

Report to: PLANNING COMMITTEE

Date: 23 December 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: Former Observer building, 53 Cambridge Road, Hastings, TN34 1HZ

Proposal: Temporary use of the sub bsmnt, grd flr and 1st floor. Uses include Art Gallery and artist studio spaces at first flr, grd flr pop-up multi function space including bar, cafe and food vending units with communal dining area, lower grd/sub bsmt use as a dining/independent cinema/entertainment area). The basement area is proposed to be used as an installation/storage space.

Application No: HS/FA/15/00641

Recommendation: Grant Full Planning Permission

Ward: CASTLE
File No: CA15051
Applicant: Flint Development Group Ltd 49 Cambridge Road Hastings TN34 1DT

Interest: Owner
Existing Use: Vacant Printing Works

Policies

Conservation Area: Yes - Hastings Town Centre
National Planning Policy Framework: No Conflict
Hastings Local Plan -
The Hastings Planning Strategy: EN1
Hastings Local Plan -
Development Management Plan: DM6, HN1, SA4, HTC3

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 5
Petitions Received: 0
Letters of Support: 2

Application Status: Not delegated - More than 2 letters of objection received

Summary

This is an application for the temporary use of the Observer Building as an arts space, bar, food outlets, market and a multi-function space for cinema/theatre. The use is retrospective and considered appropriate for a limited period of 2 years until such time as more permanent plans for the building are developed. The use is considered to be an appropriate temporary use of an otherwise vacant building.

The Site and its Location

The Observer Building was formerly a printing works for the Observer newspaper and has been vacant for over 20 years. It is an eight storey building located on the south side of Cambridge Road, bounded by Prospect Place to the west and Claremont Yard to the east. It is located within the Hastings Town Centre conservation Area.

Details of the Proposal and Other Background Information

The proposal comprises temporary use of the sub basement, 1st floor and 2nd floor of the Observer Building as an arts space, bar, food outlets, market and a multi-function space for cinema/theatre. The use has already commenced.

The current owners of the site wish to use the space for a temporary period until such time that the building can be redesigned for a more permanent use. A planning application for the proposed redevelopment has not yet been submitted.

Previous Site History

FA/86/00554	Conversion to housing Granted subject to conditions 02 October 1986
DS/86/00898	Conversion to 40 self-contained flats Granted subject to conditions 23 February 1987
OA/88/00231	Redevelopment to form 46 flats and 42 car parking spaces Granted subject to conditions 01 August 1988
FA/88/01167	Conversion to 59 self-contained flats, 15 car parking spaces and alterations to roof Granted subject to conditions 17 November 1988
FA/90/00320	Use as offices and additional floor Granted subject to conditions 15 June 1990
FA/89/00340	Conversion to 39 residential units with retail unit at ground floor and parking Granted subject to conditions 26 June 1989
FA/91/00650	Amendment of Condition 3 of FA/90/00320 Granted 06 December 1991
FA/92/00344	Change of use of ground, first and second floors to Class A2 and upper floors to residential Granted subject to conditions 03 August 1992

Details of Consultations

There have been 5 letters of objection and 2 letters of support in response to neighbour consultation, a site notice and an advert in the local newspaper.

Objections include noise, contamination, parking and operating the use prior to obtaining planning permission.

Environmental Health (Food) have no objections subject to compliance with Food Hygiene law.

Environmental Health (Pollution) have no objection subject to conditions relating to noise and smell mitigation.

Waste and Street Scene Services have no objection as the building has plenty of available space. The bins should be metal, locked and close to the road.

ESCC Highways have no objection.

Sussex Police have raised no objection subject to conditions regarding the opening hours and the sale of alcohol with food.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The relevant policies are listed above and the main considerations are the impact of the use on the character of the area and on neighbouring residential amenities.

Use

The Observer building has been vacant and derelict for a significant number of years. The building is allocated within the Development Management Plan (DMP) for a mixed (commercial /residential) use.

The use is currently in operation and comprises a bar and food area on the front part of the ground floor and a cinema/multifunction space to the rear of the ground floor. The first floor is in use as a gallery space exhibiting various forms of art.

Although the police have recommended that a condition be placed on any permission stating the sale of alcohol be restricted to those taking meals, this condition is not considered necessary. This is because such a condition would not be consistent with the licence for the premises, the proposed use includes events which may require the sale of alcohol without food, and as the use is clearly defined and for a temporary period only, it is not considered

that there is a danger of it slipping into a drinking venue that would potentially cause a nuisance.

The proposed uses are for a temporary period only and as such, will not compromise the future development/redevelopment potential. I consider that the current temporary uses are acceptable for a limited period of 2 years only.

Residential Amenity

The Observer Building is adjacent to many residential properties, all of which may be affected by potential noise and/or smell from the proposed uses within the building. Policy DM6 (c) within the DMP seeks to minimise the potential for pollution within new development. It states:

"Policy DM6 - Pollution and Hazards

In order to protect human health and water quality planning permission will only be granted for development providing:

c) noise and odour that is detrimental to neighbouring and/or local amenity is kept to a practical minimum; appropriate means of assessment may be required...."

In order to mitigate against any potential noise or smell pollution, Environmental Health have recommended various conditions. It should be noted that, although the public have had concerns relating to noise especially, some noise mitigation has already occurred and is being monitored by Environmental Health.

I consider that with the conditions regarding noise and smell mitigation attached and with hours restricted in accordance with comments from Sussex Police and the Council's Licensing team, the use is acceptable.

Conservation Area

The proposed use is compatible with Town Centre type uses and is not considered to harm the character of the conservation area.

Conclusion

In conclusion, the temporary use of this building is welcome and will prevent further deterioration of an otherwise derelict building. It also provides an active frontage in this quieter part of the Town Centre.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. Where there is a conflict, the temporary nature of the uses is an overriding material consideration. I therefore recommend approval subject to conditions.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. This permission shall be for a limited period of 2 years from the date hereof and on or before the expiration of such period the use hereby permitted shall be discontinued and any fixtures, fittings, machinery or other items associated with the temporary use removed from the building.
2. The premises shall not be used except between the following hours:-

8am - 11pm Monday to Friday,
10am - 11pm Saturdays, Sundays and Bank Holidays.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

A-001,A-098, A-099, A-100, A-101
4. All noise sensitive activities such as entertainment (music, amplified speech, cinema etc) shall be restricted to the rear ground floor.
5. Within 1 month of the date of this decision a full acoustic survey of the proposed ground floor space shall be undertaken and its results and any necessary sound proofing measures submitted to the Local Planning Authority for approval. The approved sound proofing measures shall be carried out within 1 month of their approval.
6. Within 1 month of the date of this decision a scheme for the fitting of odour control equipment to the building shall be submitted to the Local Planning Authority for approval. The approved odour control equipment shall be installed within 1 month of its approval and maintained thereafter to the satisfaction of the Local Planning Authority.
7. Within 1 month of the date of this decision a scheme for the sound insulation of odour control equipment shall be submitted to the Local Planning Authority for approval. The approved sound insulation equipment shall be installed within 1 month of its approval and be maintained thereafter to the satisfaction of the Local Planning Authority.
8. No deliveries or removal of refuse/recycling shall take place before 7am and after 11pm.
9. Within 1 month of the date of this decision details of proposed bin storage shall be submitted to the Local Planning Authority for approval. The approved details shall be carried out within 1 month of their approval.

Reasons:

1. The temporary use is not considered a suitable development to be granted permission in perpetuity, and nor would the Local Planning Authority wish to grant permission for the use on a permanent basis, as this could hinder the future regeneration/redevelopment/use of the whole building. The two year period will also allow time for the applicant to explore options for permanent use of the whole building in compliance with Hastings Local Plan - Development Management Plan Site allocation HTC3.
2. To safeguard the amenity of adjoining residents.
3. For the avoidance of doubt and in the interests of proper planning.
4. To limit the amount of noise and safeguard the amenity of adjoining residents.
5. To safeguard the amenity of adjoining residents.
6. To safeguard the amenity of adjoining residents.
7. To safeguard the amenity of adjoining residents.
8. To safeguard the amenity of adjoining residents.
9. To ensure a satisfactory standard of development.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The Food Safety Act 1990 and the Health and Safety at Work Etc. Act 1974 will apply.
4. You are advised to consult the Rother and Hastings Building Control Partnership e-Mail: buildingcontrol@rother.gov.uk with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works.
5. Any external alterations to the building will require the submission of a further application for planning permission.
6. If any of the measures required by the conditions above result in external alterations to the building a planning permission may be required. Please check with the Local Planning Authority before this work is carried out.
7. For the avoidance of doubt the shutters and the ramped access to the main Cambridge Road entrance are not approved as part of this planning permission and a separate planning permission would be required. The shutters in this particular instance are not appropriate for the Town Centre Conservation Area and the

applicant will need to consider the installation of a more appropriately designed entrance door before making their application. The ramped access is acceptable as long as it is removed at the end of everyday. If it is not removed on a daily basis then planning permission would also be required for the ramp and as with the door a more appropriately designed ramp would be required. An application for suitable replacements should be made within 1 month of this decision. If an application is not forthcoming enforcement action may be taken without further warning.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00641 including all letters and documents