

Report to: PLANNING COMMITTEE

Date: 23 March 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Shop and Premises, 311 Bexhill Road, St Leonards-on-sea, TN38 8AJ

Proposal: Demolition of existing buildings and erection of one building containing four units for trade use (Use Class B8 with ancillary showroom and sui generis uses) and/or retail (Use Class A1) with associated landscaping and infrastructure

Application No: HS/FA/15/00750

Recommendation: Grant Full Planning Permission

Ward: WEST ST LEONARDS

File No: BE90311

Applicant: Tarncourt Ambit 2013 Ltd per DWD LLP 21 Garlick Hill London London EC4V 2AU

Interest: Not freeholder

Existing Use: Supermarket

Policies

Conservation Area: No

Listed Building: No

National Planning Policy Framework: Sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment)

Hastings Local Plan - The Hastings Planning Strategy: DS2 (Employment Growth), DS3 (Location of Retail Development, FA1 (Strategic Policy for Western Area), SC1 (Overall Strategy for Managing Change in a Sustainable Way), SC2 (Design and Access Statements), SC3 (Promoting Sustainable and Green Design), SC4 (Working Towards Zero Carbon Development), SC7 (Flood Risk), EN1 (Built and Historic Environment), EN3 (Nature Conservation and Improvement of

Hastings Local Plan -
Development Management Plan: Biodiversity), E3 (Town, District and Local Centres) and T3 (Sustainable Transport)

LP1 (Considering Planning Applications), DM1 (Design Principles), DM3 (General Amenity), DM4 (General Access), DM5 (Ground Conditions), DM6 (Pollution and Hazards), HN4 (Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest), HN5 (Non-Designated Heritage Assets), HN7 (Green Infrastructure in New Developments), HN8 (Biodiversity and Green Space) and SA3 (Shops and Services outside the Shopping Areas)

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 20
Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

Site and Surrounding Area

The application site relates to a mini supermarket premises at 311 Bexhill Road, St Leonards-On-Sea. The site includes the supermarket building itself, an area of car parking to the west of the site and a large dual pitched outbuilding. Around two-thirds of the site appear undeveloped as either grass or scrub land - possibly part of the former public house garden.

The main supermarket building dates back to the turn of the 20th century and has historically been used as a hotel and then a drinking establishment. Because of the Victorian period of the building it includes features typical of the time - i.e. an over sized gable roof, bay windows and the use of render in the facade (which may not be the original finish) - although none of these are particularly unique nor of any particular interest. There have also been some simple extensions to the building.

The surrounding area is made up of a mixture of uses. Bexhill Road and Bulverhythe Road have a predominately residential character, as a mixture of bungalows, semi-detached and detached houses, but in the immediate vicinity of this site you have:

- a small car dealership, café and Indian restaurant on the opposite side of the road;
- a large car dealership to the west of the application site; and
- to the south of the site are a builder's yard, self-storage facility, railway shed and a Council-owned waste transfer facility.

The site is within:

- an Air Quality Management Area;
- Flood Zones 2 and 3 (including Surface Water and Ground Water flooding areas);
- an Authorised Landfill Site 250m buffer;
- a Historic Landfill Site 250m buffer;
- a Regional High Pressure Pipe Line 2km buffer; and
- a SSSI Impact Risk Zone.

Proposed Development

The applicant proposes to demolish the existing buildings on site and erect one building containing four units for trade use (Use Class B8 with ancillary showroom and sui generis uses) and/or retail (Use Class A1) with associated landscaping and infrastructure.

The application originally included a proposal for B2 uses. This was not considered appropriate and the applicant was advised to remove this element from the proposal which was agreed in October 2015.

The proposed building is a simple warehouse design with profiled metal cladding panels. The entrance to each unit is highlighted with different cladding - a flat panel in a contrasting colour - and glazed windows.

Relevant Planning History

HS/FA/10/00401 Change of use from public house to supermarket, alterations to shop windows. Relocation of door to maisonette, replacement windows and other alterations.
Granted 19 August 2010

HS/FA/02/00350 Change of use of part of car park to A1 retail use for the sale of plants and flowers
Refused 13 August 2002

Consultation Comments

The **Borough Arboriculturalist** has raised no objection subject to some alterations to the proposed landscaping scheme. These alterations have been made by the applicant.

The **County Archaeologist** has raised no objection and, following an update to the applicant's archaeological information, recommends a condition to secure archaeological works.

The **Local Highway Authority** has raised no objection subject to conditions.

The **Environmental Health Manager** has raised no objection in relation to matters of pollution, land contamination or air quality. A number of conditions are recommended to help control pollution related matters.

The **Waste & Streetscene Services Officer** has not raised an objection.

Southern Water has raised no objection subject to conditions and informatives regarding

drainage details and drainage protection.

The **Lead Local Flood Authority** initially raised concerns about the quality of the submitted flood risk assessment. Following the submission of additional information by the applicant the LLFA raise no objection subject to conditions.

The **Environment Agency** has raised no objection but defers to the LLFA in respect of surface water management.

The **Environment & Natural Resources Manager** has reviewed the submitted information and following clarification regarding the potential for bats and reptiles considers that there is no reasonable likelihood of protected species being present and no further survey work is required. No objection is raised.

Representations

There have been 20 objections received against the proposals and a petition with 111 signatories. Concerns include:

- Loss of local shop in area.
- Loss of non-designated heritage asset.
- Development within a flood risk area which does not adequately address surface water management.
- Exacerbation of existing parking problems.
- Concerns with transport report information.
- Increase in traffic and traffic-related pollution.
- Increase in noise disturbance/lack of noise survey.
- Pollution not adequately addressed.
- Loss of light and privacy to neighbouring residential units.
- Development out of character.
- Proposed uses not necessary.
- Loss of existing trees.
- Inaccurate drawings (specifically in relation to the added 'human figures')
- Trade conflicts.
- Quality of ecology information and impacts on ecology.
- Loss of 'history of Bulverhythe' board.
- Decrease in local house prices.

Determining Issues

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".

Based on the relevant policies listed above the main considerations are the principle of the proposal, the impact upon the character and appearance of the area, the impact upon neighbouring residential amenities, transport and parking matters, pollution and land contamination, archaeological impacts, impacts on biodiversity and flood risk matters.

Principle of development

The proposed development is for the demolition of the existing buildings on site and the erection of a warehouse building which will be split into four units. The proposed use of the units is as either retail (Use Class A1) or uses falling within Use Class B8 as well as other similar uses which presumably the applicant considers falls outside of the B8 Use Class (i.e. builder's merchants, machinery and tool hire, etc.).

Before the redevelopment of the site can be considered, it is appropriate to address whether the proposed demolition would be acceptable. As the building is not listed nor in a conservation area, the proposed demolition is considered permitted development (subject to prior approval considerations) under the provisions of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. That being said, where a planning application includes demolition, it may be subject to the requirements of policy HN5 of the Hastings Local Plan: Development Management Plan (DMP), which states:

HN5 - Non-Designated Heritage Assets

Permission will be given for those developments that secure the preservation and enhancement of non-designated heritage assets and their settings. Schemes that show a positive commitment to retaining the asset, as an active part of the site will be encouraged.

Development that would result in the loss of, or demonstrably harm the significance or setting of a non-designated heritage asset, will be resisted, unless the proposed development has other public benefits that clearly outweigh the loss of, or harm to, the asset, or there is no other feasible means of bringing a key development site forward.

Where the loss of an asset cannot be avoided, it will be the responsibility of the developer to provide a fully documented and photographic record of the asset prior to its removal.

Some of the objections submitted against this application consider this policy relevant and refer to the main supermarket building as a non-designated asset. In fact some have incorrectly identified the main building as listed. The Council have no local list of non-designated heritage assets but have adopted a process for compiling such a list. The criteria for local listing is based on Historic England guidance *Good Practice Guide for Local Heritage Listing* and includes assessments of the building's age, rarity, aesthetic value, evidential value (i.e. its significance in historic record), historic association (with local or national events/figures) and social/communal value amongst others.

Whilst sympathetic to the protection of non-designated assets, I cannot agree that the existing buildings on this site are heritage assets. The smaller building, a brick built storage building with a pitched roof, has no special merit. The larger, main supermarket building, whilst including some obvious Victorian architectural design, is not unique or of any interest. It includes unsympathetic extensions, non-original windows and poor advertising/shop windows. The premises obviously provides a community benefit - however, shop facilities can be met elsewhere - and the anecdotal historical use of the building, whilst interesting, does not appear to be of any particular historical significance. Taking this into account I do not consider the building a non-designated heritage asset and policy HN5 does not apply. Therefore, the demolition of the building is considered acceptable.

Another matter to consider before the principle of redevelopment can be established is the benefit the premises provides to the local community. Policy SA3 of the DMP seeks to secure the retention of local shops and services outside of defined shopping areas such as this and

states:

SA3 - Shops and Services outside the Shopping Areas

Proposals for the change of use or redevelopment that would result in the loss of a local shop or service outside the defined commercial areas will only be permitted when:

- a) there is an alternative within reasonable walking distance; or*
- b) it is demonstrated that the existing use is no longer viable.*

In this particular instance there is no requirement to prove the use is no longer viable as the petrol garage further along Bexhill Road to the east is only a 2 minute/200m walk away and includes a mini supermarket providing similar convenience shopping for local residents. This is considered a suitable alternative and as such the proposals comply with policy SA3. Notwithstanding the acceptability of the proposals in respect of policy SA3 the proposed uses include Use Class A1 so it is a possibility that another mini supermarket could be provided.

As the demolition of the buildings and the loss of the local shop is acceptable, the principle of the redevelopment of the site can now be considered. In this respect policy LP1 of the DMP, paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF apply and set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities.

The proposed development is also generally supported by policy DS2 and SC1, of the Hastings Local Plan: The Hastings Planning Strategy (HPS) which seeks to encourage employment related uses (particularly those in the B Use Classes) in an effort to boost the economic regeneration of the area.

The proposed retail use would be considered a main town centre use, as defined in the NPPF. Policy E3 of the HPS encourages that these uses are provided in town or district centres first but, in this instance, the applicant has suggested that only one unit would be for Use Class A1 (which could be restricted by condition). Given that the proposed units are between 278 and 372sqm and this is comparable to the existing retail floorspace, which is 374sqm, it is not considered that their retail offer would be considerably different to that already on site. In fact, there is no increase in retail area and the proposed development is well below the threshold for a retail impact assessment as required by the NPPF (2500sqm). Taking into account these matters, the proposed retail element is not considered to undermine the existing centres. As it does not undermine the objectives of policy E3 and the site is in an otherwise sustainable location, the proposed retail element is not considered to affect the principle of development.

Given these considerations the development is acceptable in principle subject to other local plan policies and considerations as below.

Impact on the character and appearance of the area

Although the principle of the use in this location is considered acceptable, the impact of the proposed use on the character of the area still needs to be considered. In this respect, although there have been many objections about the proposed incompatibility of the uses with the perceived predominately residential character of the area, this section of Bexhill Road and the Bulverhythe area has a very defined mixed character. This mix is split between the residential properties that front Bexhill Road and parts of Bulverhythe Road and the commercial/industrial nature of the areas immediately south and west of the application site. These commercial /industrial uses include a large car showroom business, railway yard/shed,

self-storage yard, vehicle repair centre, waste transfer depot and other small businesses and workshops. Given the nature of uses in the immediate area, the proposed development is compatible and will not harm local character in terms of its use. This is particularly the case given that the previously proposed B2 uses have been removed from the scheme, as these would have been a detriment to local character and amenity.

The proposed development is a significant departure from the design of the existing building on site. The proposed design is essentially a warehouse structure which will be subdivided into four units.

The proposed building is not considered to be situated in a manner which makes best use of the site and is close to the side and rear boundaries. As such the design is a finely balanced issue. However, on balance, for the reasons set out below it is considered the design is acceptable.

In terms of scale, the proposal includes a low dual pitched roof (7.4m to eaves and 8.2m to ridge) and is not considered to be too dissimilar to the nearby two storey houses. The proposal will occupy the full width of the site, and whilst the design could perhaps benefit from being broken up, the overall scale is not considered to cause harm and will associate well with the adjacent car showroom and industrial character to the rear.

In terms of appearance, the materials proposed include horizontal metal cladding panels and flat cladding panels similar to those used in adjacent car showroom. The proposal also includes glazed entrances and roller shutter doors. The appearance is obviously commercial in nature and, whilst criticisms have been made about the incompatibility with the more domestic and sometimes more intricate design and detailing of the prevalent semi-detached properties along Bexhill Road, the proposed building can equally be associated with the nearby commercial and industrial uses where the modern warehouse appearance is clearly compatible. I appreciate that local residents would prefer a local residential vernacular but the proposed development is commercial and it is more appropriate to have a commercial appearance. As explained above, this is a split mixed- use area and the proposal is compatible with the nearby commercial/industrial nature of this section of Bulverhythe.

The layout of development is such that the proposal would not address the frontage of the site along Bexhill Road, the main A259 coastal road. For the majority of Bexhill Road there is a very clear building line established by the repetition of semi-detached houses and bungalow properties. The existing building maintains this building line but this building line is disrupted by the set back of the current car showroom. Whilst it is disappointing that the building line established along Bexhill Road will be disrupted by this development, there are obvious reasons for this - with the main one being the provision of an appropriate access and parking. Access from Bexhill Road is important as it is the main road and will avoid unnecessary disruption and manoeuvring along Bulverhythe Road. The set back will also make the warehouse structure less imposing which will be further off-set with the introduction of some boundary planting. This section of Bexhill Road is also distinctly different from the pattern of ribbon development and ultimately I do not consider that a departure from the established building line would be a justified reason for refusal.

The proposed development is considered acceptable in terms of policy SC1 of the HPS and policy DM1 of the DMP in respect of local character.

Impact on neighbouring residential amenities

The proposed building is sufficiently distanced from neighbouring residents to have no detrimental impact in terms of loss of light, overshadowing or reduced outlook.

The main concern is whether the proposal will cause any unacceptable noise and disturbance. In this respect the proposal will increase the amount of floorspace on site which could intensify the use. However, the proposed uses fall within Use Class A1 and B8, which in themselves aren't necessarily considered harmful to neighbouring residents. This is particularly true given the distances of the units from neighbouring residents. One of the main causes of harm would come from increased noise and disturbance particularly from additional vehicular movements. Whilst increased floor space may result in increased trips to the site, this increase will pale in comparison to the volume of traffic that uses Bexhill Road. This traffic sets a significant background noise and there is nothing to suggest that this proposal will cause anything above that existing level. With that in mind, I do not consider that there will be any harm caused by increased noise and disturbance. For certainty, the Environmental Protection Officer recommends a condition for soundproofing.

Whilst the uses would not typically cause any nuisances any extraction/ventilation equipment or plant/machinery (which can be used in A1 and B8 uses) has potential to cause harm the Environmental Protection Officer has recommended conditions that would control the effects of these.

There may be issues with noise and disturbance during construction but this can also be controlled via condition with a suitable construction management plan restricting hours of building work and the method of construction.

The Environmental Protection Officer has noted the submitted lighting scheme but cannot deduce from the submitted information whether there would be any light spill that would cause harm to local residents. They recommend a condition for a report explaining these impacts.

All of the suggested conditions seem reasonable and will ensure there is no harm to residential amenities.

The applicant has forwarded some recommended conditions in the event planning permission is granted. With regard to the B8 uses they also ask that other similar warehouse uses, such as a builder's merchants or machinery hire, are listed as acceptable. One of the listed uses included an MOT/tyre centre. This would be considered a B2 use and is not considered appropriate for this location. This use will be removed from the recommended condition.

The applicant also recommends conditions in relation to noise control but these will be covered to by the recommendations of the Environmental Protection Officer.

The proposed development is considered acceptable in terms of policy SC1 of the HPS and policies DM3 and DM6 of the DMP in respect of local residential amenities.

Transport and parking matters

Many objections have been submitted regarding the impact this development would have on the highway network and the local parking situation but, the proposal has been considered by the Local Highway Authority (LHA) and no objection has been raised. The submitted objections do not provide sufficient evidence to outweigh the consultation response from the LHA.

The proposed development is located on the A259 and this proposal would lead to an intensification of the site. That being said, the applicant has restricted their proposal to retail

and trade/warehouse type uses and this would not result in significantly high volumes of traffic or turning movements that would affect the safety or operation of the highway network. The Local Highway Authority also note the opening of the Bexhill to Hastings Link Road (BHLR) is likely to reduce flows of traffic along Bexhill Road and therefore further reduce the risk of this development.

The LHA are satisfied that suitable parking has been provided and that sufficient access for larger HGV vehicles (i.e. for deliveries) has been sufficiently demonstrated. The objections to the development have commented on the pressure that the uses would have on the surrounding on-street parking but even if there were some over spill, surrounding roads (such as Bulverhythe Road) are not at full capacity during the daytime.

A number of conditions have been suggested to ensure that the proposed development is acceptable in terms of highway safety and parking.

Given the comments of the LHA, it is not considered that there will be any harm to highway safety and sufficient parking has been proposed. The proposal is considered to be acceptable having regard to policy SC1 and T3 of the HPS and policy DM4 of the DMP.

Pollution and land contamination

Concerns regarding light and noise pollution are discussed above with regard to neighbouring residential amenities. The proposed development is also within the buffer of authorised and historic landfill sites and the Bexhill Road Air Quality Management Area. It is therefore appropriate to consider the impact of development on land contamination and air pollution.

In respect of land contamination, policy DM5 of the DMP is relevant and requires proposals to provide suitable ground investigation reports. In this instance the Environmental Protection Officer has stated that the site does not have a previous history of contamination but there is a possibility of waste contamination. He is also concerned about the possibility of contamination from building materials during the process of demolition and clearance. The EPO is satisfied that a condition can cover this matter and, given that the site is not on landfill (and only within a buffer), this seems like an appropriate way forward as it will ensure any land contamination matters are adequately controlled.

The proposed development is within the Bexhill Road Air Quality Management Area. Because of this it is subject to policy DM6 of the DMP and Countywide guidance contained in *Air quality and emissions mitigation guidance for Sussex authorities*. Essentially, depending on the scale of development proposed and the existing air quality situation, the applicant may need to supply information explaining that the proposed development does not exceed statutory guidelines and limits. The need for this information would be at the request of an Air Quality Officer which, for Hastings Borough Council, is the Environment Protection team. Having consulted with them, the Environmental Health Manager has stated that the scale of development is such that it would not adversely affect air quality within the area. Therefore, no additional air quality information is required.

The proposed development is considered acceptable having regard to policy SC1 of the HPS and policies DM5 and DM6 of the DMP.

Archaeological matters

The proposed development is not within an archaeological notification area but, due to the size of the development, the applicant submitted an archaeological desk-based assessment. The assessment concludes that the risk of significant impacts to archaeological areas is

relatively low but there is potential for impacts to heritage assets with archaeological interests. The County Archaeologist reviewed this information and after some initial comments the applicant updated their assessment to account for buried remains as a result of alluvial deposits due to sea level changes during the last ice age.

Following the update of the assessment, the County Archaeologist agrees with the findings of the report and has suggested that potential impacts on archaeological interest can be controlled via their recommended condition.

Given the comments of the County Archaeologist it is considered that potential harm to the significance of heritage assets can be controlled and as such the development is acceptable having regard to policy EN1 of the HPS and policy HN4 of the DMP.

Biodiversity

The proposal has been accompanied by an Extended Phase 1 Habitat Survey. This survey established the ecological potential of the site and it concludes that it has a low biodiversity value. This is evident as the site includes a substantial hard surface, amenity grassland and scattered trees and shrubbery which don't provide decent habitats. It is also physically separated from other potential habitats by roads and other hard surfacing.

The survey does flag up the potential for roosting bats in the buildings and as such the applicant carried out a separate more detailed bat survey. The conclusion of this report is that there are no roosting bats and, although there are foraging bats in the area, it is not necessary to retain the trees and hedgerows on site as they are not a significant foraging resource due to their small size and location. It should be noted that the proposal does include a landscaping scheme and this will provide for some minor benefits in terms of biodiversity and green network improvements.

There have been objections from members of the public about the quality of the surveys undertaken and the proximity of the development to known protected species but I do not consider this changes the conclusions of the submitted information, particularly as no substantive evidence has been provided. As explained, the site is evidently low quality in terms of biodiversity and is physically separated from more significant habitats. The Environment & Natural Resources Manager has reviewed the submitted information and raises no objection. He also states that no further survey work is required and this is due to the identified low quality of the habitat.

Taking account of the submitted ecology information and the comments of the Council's ecology specialist, the proposed development is considered to comply with policies SC1 and EN3 of the HPS and policies HN7 and HN8 of the DMP.

Flood risk

This site is within Flood Zones 2 and 3 and has also been identified as an area at risk from surface water and ground water flooding. To help explain the impact of development in these respects, the application is accompanied by a Flood Risk Assessment (FRA) and statutory consultations have been undertaken with the Environment Agency and the Lead Local Flood Authority (LLFA). Southern Water have also been consulted.

The proposed uses are considered 'less vulnerable' uses in accordance with Environment Agency guidance and advice in National Planning Practice Guidance. In accordance with the same guidance the development of less vulnerable uses in Zones 2 and 3 is acceptable in principle but overall acceptability would be subject to the outcomes of the flood risk

assessment.

The Environment Agency have raised no objection but have essentially deferred assessment to the LLFA. The LLFA's initial comments were that the FRA did not adequately address the management of surface water and required additional information. The applicant has provided this additional information and the LLFA now consider the development acceptable subject to conditions to secure hydraulic calculations for the detailed design of the drainage system and a maintenance and management plan for the entire drainage system.

Southern Water also raise no objection to the proposed development but request a number of conditions and informatives in order to safeguard existing infrastructure and to ensure the proposed drainage is sufficient.

The applicant contests that some of these conditions are unnecessary given the submission of more detail on surface water drainage following comments by the LLFA. Having looked at the additional information, it does not appear to cover protection of existing infrastructure or full details of the foul water drainage which is something Southern Water have requested. The method of preventing water from discharging on to the highway is acceptable, so this condition from the highway authority is no longer necessary. The conditions from Southern Water should remain and will tie in with the requirements of the LLFA.

The proposed development is considered acceptable taking into account policies SC1 and SC7 of the HPS in respect of flood risk.

Other matters

The application has been accompanied by an energy statement explaining that, through improvements to the design of the fabric of the building and some energy efficient measures internally, the proposed development will make CO₂ improvements over the building regulations. These improvements have also been made without the addition of renewables. The proposal is therefore considered to comply with policies SC3 and SC4 of the HPS.

The proposed development is within the 2km buffer of a Regional High Pressure Pipe Line. However, the development, due to its scale and distance from the pipeline, is not considered to cause damage and no further information is required in this respect.

The proposal is within a SSSI Impact Risk Zone but the development does not meet the thresholds for consultation with Natural England. As such the development is not considered to cause any harm to the special biodiversity interest of the Combe Haven Valley, Marline Valley or Hastings Cliffs at Pett Beach - SSSIs.

There has been an objection to the accuracy of the submitted plans. The 'evidence' for this is based on the size of the superimposed human figures on the drawings which are alleged to be too big, therefore making the buildings look smaller. Having checked the drawings, which are accurate and to scale, the human figures measure at 1.8m (which is equivalent to 5'11"). This measurement is not considered misleading.

Some of the objections refer to the need for the development and conflicts with existing, similar uses. In this instance these objections are not considered material as they relate to business competition which should provide more choice and ultimately better value for consumers and businesses.

Although not aware of it at the time of the site visit, the proposals would apparently result in the loss of a local history/notice board. Whilst it is clear that the loss of this feature would be

disappointing to some local residents, its loss is not considered material to the planning application given there is no requirement to retain it.

Some objections include concerns about the reduction in house prices but it is long established that this is a personal interest and is therefore not a material planning consideration.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 subject to the conditions recommended below.

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

13759-100A, 101C, 102C, 103, 104A, 105B, 106A, 107B, 110, 111, 112, D26633/JB/A, V13759 LO1 Rev A and Schedule of Materials and Finishes
3. Insofar as any of the units are used for Use Class B8 with ancillary showroom, then no more than 30% of the total floor space of the unit shall be used as the showroom without prior written consent from the Local Planning Authority.
4. A maximum of one unit can be used for the purposes of Use Class A1 (Retail), otherwise the units shall not be used other than within Use Class B8 (with ancillary showroom) and/or the following mixed/sui generis uses:
 - storage, distribution and sales of tiles, floor coverings, bathroom and kitchen furniture and fittings, and other building materials;
 - machinery, tool and plant hire; or
 - plumbers' and building merchants.
5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the control of noise and dust during the construction of the development. The development shall be carried out in accordance with the approved plan.
6. i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the

Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.

- ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.
- iii) On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

7. Before its installation details of any plant, machinery or similar equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

8. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

9. Prior to the occupation of a unit, details of works to reduce noise pollution for that unit shall be submitted to, and approved in writing by, the Local Planning Authority. The use of the respective unit shall not commence until works have been carried out in accordance with the approved details. Such measures shall be maintained thereafter.

10. The alterations to the existing access shall be as shown on the submitted plan [number 13759-102C] and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

11. Prior to any forms of earthworks and/or excavations that are carried out as part of the development, details of suitable vehicle wheel washing equipment, which should be provided within the site to prevent contamination and damage to the adjacent roads, shall be submitted to and approved in writing by the Local Planning Authority.

12. Prior to demolition works commencing on site a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the routing of vehicles, details of storage areas for plant/machinery, materials and welfare facilities, contractor parking and hours of operation. The development shall be carried out in accordance with the approved scheme.
13. The development shall not be occupied until car and cycle parking areas have been provided, and loading/unloading areas marked in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for those uses.
14. Prior to any occupation, the approved scheme of landscaping (drawing reference V13759 L01 Rev A) shall be implemented.
15. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
16.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no unit hereby approved shall be brought into use until those works have been completed.
 - (iii) No unit hereby approved shall be brought into use until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
17. The details required for condition 16 above should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rates between the existing and proposed scenarios during the 1 in 1 , 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. If it is not practical to limit the runoff volume to the existing, the excess volume during a 6 hours 1 in 100 years storm should be discharged at a rate of 2l/s/ha.
18. The details required for condition 16 above shall include a maintenance and management plan for the entire drainage system. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for maintenance needs to be

satisfied with the submitted details.

19. The development shall be carried out in accordance with the measures in the submitted energy statement (by Envision Energy, dated 26/08/15 and referenced P15155-4.1-RP001-B)
20. The details for condition 16 above shall include measures for the protection of existing public sewers during development.
21. Before any erection or installation a report on the lighting scheme submitted with the planning application shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail provisions for the avoidance of 'spill light', that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or into surrounding properties. The lighting shall be erected or installed in accordance with the approved report.
22. Before a unit hereby approved is brought into use provision shall be made for the ability to connect to fibre-based broadband.
23. No development shall take place until the measures outlined in the submitted ecological statements and reports (Extended Phase 1 Habitat Survey, dated August 2015 and Bat Emergence & Re-Entry Survey, dated September 2015) have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
24. Deliveries and heavy goods vehicles manoeuvring on site shall comply with the following measures:
 - vehicle engines shall be switched off when not manoeuvring;
 - no horns shall be sounded or radios/stereo players used;
 - no goods pallets or roll cages to be moved in open areas;
 - no reversing beepers to be used;
 - refrigeration units to be switched off when the vehicle is at the loading bay; anddelivery scheduling should be managed to ensure that no more than one delivery will be present in the car parking/access area.
25. The premises shall not be used except between the following hours:-

07:00 - 19:00 Monday - Saturday,
07:00 - 13:00 Sundays or Bank Holidays.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that planning control remains in the interests of impact on the character and amenity of the surrounding area, impact on parking and highway safety and the impact on retail uses and shopping centres.
4. To ensure that planning control remains in the interests of impact on the character and amenity of the surrounding area, impact on parking and highway safety and the impact on retail uses and shopping centres.
5. In the interests of the amenity of the neighbouring residential occupiers.
6. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
7. In the interests of the visual amenity of the area and to protect the neighbouring residential occupiers.
8. To safeguard the amenity of adjoining residents.
9. In the interests of the amenity of the neighbouring residential occupiers.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of the visual amenity.
15. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. To prevent increased risk of flooding.
19. In order to comply with the requirements of policy SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.

20. To prevent increased risk of flooding.
21. In the interests of the amenity of the neighbouring residential occupiers.
22. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
23. To protect features of recognised nature conservation importance.
24. In the interests of the amenity of the neighbouring residential occupiers.
25. In the interests of the amenity of the neighbouring residential occupiers.

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. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection into the development please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. The applicant is also advised to contact Southern Water with regard to the sewer easement within the site, if additional sewers are found during construction and if trade effluent is proposed to be discharged into the public sewer.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00750 including all letters and documents