

**Report to:** PLANNING COMMITTEE

**Date:** 22 June 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 11-15 Sedlescombe Road North, St Leonards-on-sea, TN37 7DA

**Proposal:** Change of use from A1(Supermarket) to D2(Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.

**Application No:** HS/FA/16/00040

**Recommendation:** Grant Full Planning Permission

Ward: SILVERHILL  
File No: SE50009V  
Applicant: Mr Hargreaves per Vector Planning & Design Ltd  
Innovation Centre Highfield Drive  
Churchfields, St Leonards on Sea, East Sussex. TN38 9UH

Interest: Freeholder/Leaseholder  
Existing Use: Vacant supermarket (A1 retail use)

**Policies**  
Conservation Area: No  
Listed Building: No

**Public Consultation**  
Adj. Properties: Yes  
Advertisement: Yes - General Interest  
Letters of Objection: 7, 1 neutral comment  
Petitions Received: 0

Application Status: Not Delegated

## Notes

Neighbours Expire: 06 April 2016      Members Expire: 06 April 2016 or same as advert expiry if later.

Advert Expires: 08 April 2016

Neighbours Checked on site: Y

Objection letters read: Y

Site Visited: 20 April 2016

## Summary

This application was previously presented to Planning Committee on 25 May 2016, where it was resolved to grant planning permission for the change of use from A1 (Supermarket) to D1 (Bingo Hall) with a coffee shop extension, extension to create lobby area, shopfront alterations, canopy and outdoor seating area. Before the decision was issued, the applicant expressed concern regarding the proposed opening hours condition, particularly in relation to Sunday opening times. The original condition proposed restricted hours to use of the Bingo Hall to 08:00 to 24:00 Monday to Saturday and 08:00 to 20:00 on Sundays and Bank Holidays.

The applicant cannot accept this condition in relation to Sunday opening hours due to the nature of the proposed use and the length of time required for an evening bingo session. The evening session includes a national, interactive, game where approximately 600 operators join in together. The application is therefore being re-presented at Planning Committee with amended hours of operation as follows:

### Bingo Hall

08:00 - 24:00 Monday to Sunday and Bank Holidays

### Coffee Shop

08:00 - 20:00 Monday to Sunday (including Bank Holidays)

Both Sussex Police and Environmental Health (noise) have been consulted on this change to opening hours and raise no objection.

The report below is identical to that previously considered at Planning Committee, with the exception of additional consultee comments added in respect of Sussex Police and Environmental Health comments, a description of proposed hours of use, and an informative regarding litter as recommended at the previous committee. Conditions restricting the revised hours of use have also been added.

## Site and Surrounding Area

The site comprises a ground floor commercial property within Silverhill District Shopping Centre as defined by the Hastings Local Plan Policies Map. The upper floors are in residential use and occupied, although currently subject to enforcement investigation. The front elevation of the hairdressers, adjacent to the site, (no. 17 Sedlescombe Road North) projects approximately 5.5m in front of the front elevation of the application site, with the retail unit to the south continuing the same, set back, frontage line.

Rochester Road runs along the rear of the premises, providing access for services. Residential properties predominantly surround the defined shopping area with the roads most immediately affected being Chatham Road and Strood Road to the rear, and Silverlands Road, opposite.

A large Asda supermarket is also located a short distance away.

The site is constrained by:

- Historic landfill buffer zone
- Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ)

## Proposed development

It is proposed to change the use of the existing vacant supermarket (A1) to a bingo hall (D2) use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). In addition to the change of use, the applicant proposes an extension to the front of the building at ground floor level to create a coffee shop and lobby area, together with shopfront alterations and an outdoor seating area on the existing pavement with canopy above. Pre-decision amended plans were received to increase the amount of glazing in the front and side elevation of the new coffee shop, to help retain the shopfront appearance of the building, avoid an interruption in the shopping frontage and provide an improvement to the streetscene.

The coffee shop and lobby addition will extend 2.8m from the front elevation, covering 8.2m of the existing shopfront. A gap of 6.3m will remain from the side elevation of 17 Sedlescombe Road North (Clippers Hairdressers) to the north of the site. The extension is proposed as 2.3m in height, with the canopy above extending an additional 1.4m up to its highest point, between the top of the existing shop front fascia and the first floor windows. The canopy will overhang part of the proposed outdoor seating area.

2 rows of outdoor seating are to be provided to the front of the building on the existing pavement area. This seating will be enclosed by planters sited approximately 3m in front of the new coffee shop and extending to the side elevation of 17 Sedlescombe Road North.

Inside the building, fixed seating and tables to serve 122 people are provided in the main hall along with a stage and book sales area. Towards the rear of the building, a lounge, catering/bar, fruit machine and storage area are also provided.

Bin storage is provided to the rear of the building, with new steps to ground level to serve the reformed rear access door being provided.

Coffee shop opening hours are suggested as:  
Monday to Sunday (including Bank Holidays) 08:00 to 20:00

Bingo Hall opening hours are suggested as:  
Monday to Sunday and Bank Holidays 08:00 to 24:00

The application is supported by the following documents:

- Existing and proposed elevations and floor plans
- Proposed roof plan
- Planning Statement
- Transport Report
- Sectional detail of deck and sound proofing
- Waste minimisation statement

## Relevant Planning History

HS/FA/14/00516

Alterations to fenestration of west and east elevations at first floor including new windows.

GTD 28/07/2014

HS/PA/13/00493

Change of use from offices to residential  
PERMISSION NOT REQUIRED 19/09/2013

HS/FA/12/00862	Conversion of part of first floor to 2 x 2 bed flats REF 21/12/2012
HS/FA/12/00583	Extension of accommodation to form second floor comprising of 2 x 2 bed flats and 1 x 1 bed flat GTD 12/09/2012
HS/FA/00/00622	New automatic sliding door at front of store and alterations to existing shopfront GTD 26/10/2000
HS/FA/66/00198 (11 Sedlescombe Road North)	Use of shop as betting office (renewal of previous permission) GTD 10/03/1966
HS/FA/64/00150 (11 Sedlescombe Road North)	Extension of period of use of betting shop GTD 18/12/1964

## **Development Plan Policies and Proposals**

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering Planning Applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy SA2 - Other Shopping Areas

### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy E3 - Town, District and Local Centres

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the Development Plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 23 refers to planning policies needing to be positive, promoting competitive town

centre environments and setting out policies for the management and growth of centres over the plan period.

Paragraph 32 states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe'.

## **Consultation comments**

### **Highway Authority - No objections**

The Highway Authority do not consider that there are sufficient grounds for refusal of permission on highway issues in this instance and note that the former use as a supermarket is likely to have generated a greater number of visitors per day than the proposed bingo hall. Whilst they acknowledge that during peak periods (consistent with visitors to the bingo hall arriving and leaving at similar times), parking demand is likely to be more than currently experienced, visitors to the bingo hall are likely to require more long term parking than supermarket users and, as such, are more likely to park their vehicles in a suitable location further from the site or alternatively arrive on foot or by public transport. In that regard, the Highway Authority point out that the site is in a sustainable and accessible location, well located in terms of public transport and access from the Town Centre. Bus services continue throughout the evening and, therefore, provide an alternative to travelling to and from the site by car.

### **Licensing - No objection**

No adverse comments to make in respect of the application. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall before it can be operated legally.

### **Building Control - No objection**

Building Control confirm that the works proposed will also be subject to building regulations as a change of use to a public building so all the relevant regulations will apply including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.

### **Environmental Health (contaminated land) - No objection and informative note recommended**

Environmental Health identify that the main area of concern in respect of contaminated land would have been the former Marshal Tufflex site (now Asda). The other small pockets of land identified as being potentially contaminated include a laundry and other areas already developed and, as such, it is not considered that a requirement to undertake a contaminated land assessment is necessary. An informative has however been recommended that requires further scientific analysis to be undertaken should any suspicions with regard to potential contamination be aroused as a result of excavation.

### **Environmental Health (noise) - No objection**

Whilst there is no basic objection to the proposal, there is a lack of detail regarding plant requirements such as air conditioning. Environmental Health also note that sound proofing and hours of operation during the construction phase are key issues that need to be addressed given the residential units above the premises. Environmental Health agree to the amended opening hours, subject to the submission an acceptable noise report, required by condition.

### **Planning Policy - No objection**

Notes that the loss of A1 retail use will not result in non-A1 uses exceeding the threshold set by Policy SA2 of the Development Management Plan. They do note however, that the scale and concentration of non-retail units within this area of Silverhill will be a significant consideration.

### **Sussex Police - No objection**

Request that opening hours are made a condition of approval.

## **Representations**

7 letters of objection and 1 neutral comment have been received following neighbour consultation. The concerns raised include:

- Increased parking demand and lack of available on street parking
- Non-compliance with Parking Provision in New Development Supplementary Planning Document (SPD)
- Bingo and slot machines are already provided for elsewhere in the town
- It is not necessary to have any more coffee shops or cafes in Silverhill. This will impact on existing trade.
- Loss of public bench
- Reduction in pavement depth and the impact this will have on the character of the area and safety of pedestrians
- Increase in litter
- Increased noise levels and how they will be addressed
- Fire safety

These issues are addressed in the main body of the report, below.

## **Determining Issues**

### Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF 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 and, as such, the development is considered acceptable in principle subject to other local plan policies.

### Loss of existing retail use

The application premises is located in the district shopping area of Silverhill, as defined by Policy E3 of the Hastings Planning Strategy 2014 and Policy SA2 of the Development Management Plan 2015. Criterion a) of Policy SA2 identifies that non-A1 uses must not exceed 45% of the overall number of uses in the shopping area. It also states that the proposed change of use should not result in an excessive concentration of such uses that would cause a significant interruption in the shopping frontage, reducing its attractiveness and causing harm to the vitality and viability of the centre as a whole (Criterion b).

The Council's Shopping Survey shows that there are 4 x A3 and 7 x A5 uses (out of a total of 41 surveyed) present in the district shopping area as at September 2015. The survey also shows that proposed change of use would result in non-A1 uses being 41.5% of total uses in Silverhill, falling within the threshold of 45% set by Policy SA2. Therefore, whilst it is acknowledged that the proposed coffee shop may provide competition with existing uses of a similar nature, the addition of another A3 use in this area will not be contrary to policy and it is not considered to cause significant harm to the vitality or viability of the shopping area as a whole. It should also be noted that whilst objections regarding competition are noted and the Council is sympathetic to the concerns raised in this regard, competition between businesses is not a material consideration in determining planning applications. Taking these issues into account, criterion a) of Policy SA2 is therefore complied with.

In respect of criterion b) of Policy SA2, A1 uses (including one vacant retail unit) operate in numbers 7-19 Sedlescombe Road North inclusive. Whilst the application relates to a large unit in this block of shop units, the change of use of one shop in a block of 4 is not considered to cause a significant interruption in the shopping frontage. Furthermore, amended elevations have been submitted to show more glazed areas to the front elevation as would be expected in a shopping area, thereby allowing for the proposed elevations to site more seamlessly into this shopping location and prevent interruption. Criterion b) of Policy SA2 is therefore complied with. Issues regarding the appearance of the shopping frontage as set out in Policy SA2 are discussed below in terms of the character and appearance of the area.

### Employment

Information in the submitted transport report details that approximately 8 people will be employed as a result of this development - similar to that in the previous supermarket. The change of use is not, therefore, likely to have a detrimental effect on employment levels and is in accordance with Policy SC1 of the Planning Strategy in relation to providing access to employment.

## Impact on the character and appearance of area

The application proposes alterations to the existing shopfront to provide a new door leading directly to the main bingo hall on the left of the front elevation. This section of the front elevation will retain its open and glazed shopfront appearance, similar to that existing. Pre-decision amendments have also been received that propose further glazing to the front and side elevation of the new front extension to ensure the glazed appearance is continued across the width of the shopfront, helping to retain the character and appearance of the existing shop frontage as far as possible.

The canopy will project 2.6m out from the 1st floor, covering the depth of the proposed front extension only. The second row of proposed seating nearest the road will remain uncovered. Whilst similar canopies are not evident in the nearby area, it is not considered that this addition will cause significant harm to the appearance of the streetscene given the varying styles of shopfront and the general appearance of this district centre.

It has been suggested by objectors that the proposed development will impact negatively on the village character of the area. The work undertaken to improve the appearance of the front of the building by maintaining the appearance of the original shopfront as much as possible, taken together with the seating areas and planters proposed, are considered to be an improvement to the appearance of the existing shopfront which is obscured by advertising throughout. The proposal is, therefore, considered to be in accordance with both policies SA2 and DM1 of the Development Management Plan and work towards maintaining an attractive streetscape.

Policy E3 of the Hastings Planning Strategy makes specific reference to promoting the re-use of vacant buildings in town, district and local centres. Bringing this vacant building back into a continued use will positively contribute to achieving this element of policy.

## Impact on Neighbouring Residential Amenities

The proposed change of use to a bingo hall is likely to have some impact on neighbouring residential properties as a result of entertainment and other associated noise. Consultation comments considered that the application lacked detail in terms of the use of extractor fans, air conditioning and air handling units, which in turn meant that it would not be possible to fully assess whether the soundproofing information provided is adequate. It has since been confirmed by the agent that no alteration to the existing air conditioning systems is proposed and no new air handling units, extractor fans or chiller units will be required. It is, therefore considered that, subject to a condition limiting the maximum noise levels from the proposed PA system or other plant equipment, the impact on the residential units above and nearby will be adequately mitigated. Similarly, noise from car parking is unlikely to increase as a result of the proposed change of use as it is unlikely that the actual numbers of cars parking in the nearby area will be a greater number than for the existing supermarket (see parking comments below).



## Pedestrian flow and car parking

The application has no parking on site and no parking is proposed on site. The situation in this respect, therefore, remains unchanged. Several objections have been received relating to car parking and the lack of provision. The Highway Authority have not objected to the proposal on these grounds given that the site's location is both sustainable and accessible and the likely parking habits of the bingo hall users, i.e. that patrons are more likely to park more in appropriate locations further away from the premises in light of the longer stays, rather than just stopping nearby to 'pop in' to the supermarket. Whilst reference has also been made to the parking Supplementary Planning Document and the requirements for new spaces within, an assessment has been made in terms of this application on its own merits, which takes into account the accessible location of the site and the existing/previous use of the building which would also have generated a demand for parking. The recommendation is, therefore, made that the new proposal will not have a significant impact on the existing parking pressures in the area.

Taking these points into consideration, in addition to paragraph 32 of the National Planning Policy Framework which states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe', it is considered that the proposal is not contrary to either the NPPF or Policy DM4 of the Development Management Plan, and that a refusal of permission on highway grounds could not be justified in this instance.

The application proposes a large seating area on the existing pavement fronting the application site and concern has been raised regarding the resultant lack of pavement space in front of the site. The seating area will not project further forward than the existing front elevation of the adjacent premises at 17 Sedlescombe Road North and will still allow for 3m of pavement width in front of the planters. It is generally advised by the Highway Authority that a footway has a minimum width of 2m, which will still be exceeded despite the seating area being in place. Taking this into account, it is considered that adequate pavement space will remain, which will be adequate to serve the footfall of the shopping area. The position of the front elevation of no. 17 Sedlescombe Road North is such that the proposed seating area will not cause an obstruction in the flow of pedestrian movement.

## Waste

A waste minimisation statement has been provided with the application which sets out how construction and demolition waste will be disposed of and recycled as far as possible. Existing bin storage at the rear of the property will be utilised to accommodate the waste generated from the bingo hall use. These details are considered adequate to alleviate concerns raised from objections regarding waste generation and are considered to be in accordance with Policy DM3 of the Development Management Plan with regard to waste and waste storage. An informative note has also been recommended that advises the applicant that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.

## Public realm

This application relates to the change of use and the proposed front extension, together with other associated alterations. The location of the public bench as mentioned in an objection does not form part of the application and is not affected by the proposed development in terms of affected floorspace.

## Fire safety

Comments made regarding fire safety will be addressed through Building Regulations and an informative has been recommended to this effect.

## Other site constraints

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. The development will not give rise to ground or surface water pollutions and consultation with Environmental Health Officers has also resulted in no further action being needed at this stage in respect of the sites location in a historic landfill buffer zone. The development is therefore in accordance with Policies DM5 and DM6 of the Hastings Development Management Plan (2015).

In accordance with approved guidelines, the development is not of a significant scale to warrant further consultation in respect of its location within the SSSI IRZ.

## **Conclusion**

Taking account of the considerations above, it is considered that on balance, the level of harm caused by the proposed change of use is not so significant as to justify refusal in this instance. The proposal will bring an empty premises back into viable use, contributing positively to the vitality of this designated shopping area and also providing new employment in both the coffee shop and the bingo hall. Effort has been made to approve the appearance of the building frontage, ensuring that the appearance of the shopping area is maintained and enhanced. It is, therefore, considered that these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 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:  
  
53-15-100, 53-15-200 A, 53-15-201 B.
3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Noise emitted from the proposed PA system and any other plant equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority.
5. 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.
6. Prior to the development hereby approved being commenced, a noise report from a suitably qualified professional shall be submitted for written approval by the Local Planning Authority.
7. The bingo hall shall not be used except between the following hours:-  
  
08:00 to 24:00 Monday - Sundays or Bank Holidays
8. The coffee shop shall not be used except between the following hours:-  
  
08:00 to 20:00 Monday - Sunday (including 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 a satisfactory form of development in the interests of the character and amenity of the area.
4. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To order to protect neighbouring residential amenity.
7. In order to protect local residential amenity.
8. In order to protect local residential amenity.

### **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. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken.
4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall.
5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.
6. The applicant is advised that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.

---

### **Officer to Contact**

Miss S Roots, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/16/00040 including all letters and documents