

Report to:	PLANNING COMMITTEE
Date:	24 May 2017
Report from:	Assistant Director of Housing and Built Environment
Application Address: Proposal:	10 Claremont, Hastings, TN34 1HA Change of Use from Retail (A1) To Sui-Generis (Private Vehicle Hire Co)
Application No:	HS/FA/16/00860
Recommendation:	Grant Full Planning Permission
Ward:	CASTLE
File No:	CL10010
Applicant:	<u>Phoenix Taxis</u> per Baileys Job Agency 2 Palace Avenue White Rock Hastings TN34 1JR
Interest:	Applicant
Existing Use:	Vacant retail unit
Policies	
Conservation Area:	Yes - Hastings Town Centre
Listed Building:	No
Public Consultation	
Adj. Properties:	Yes
Advertisement:	Yes - Conservation Area
Letters of Objection:	15
Petitions Received:	0
Application Status:	Not delegated - More than 2 letters of objection received

Site and Surrounding Area

Number 10 Claremont is within the Hastings Town Centre boundary and also within the Hastings Town Centre Conservation Area. The site also forms part of the White Rock and the America Ground Cultural Quarter.

The site consists of a three storey terraced property (four floors including the basement), with a retail unit on the ground floor and residential on the upper two floors. The retail unit is presently vacant. The shop front is fully glazed with transomes window detailing set in timber frames and a timber, hand painted fascia sign. The shop window fronts directly on to the pavement. At first floor level is a metal balcony which is replicated at the Neighbouring Property No. 11 Claremont. The surrounding area is made up of a mix of commercial units

including a tattoo parlour, fast food establishment and hair salon etc. with residential units above. The site is also in close proximity to the Hastings Library building which is presently under renovation and the Holy Trinity Church.

Constraints

Conservation Area - Hastings Town Centre

Hastings Town Centre Shopping Area

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Archaeological Notification Area (ANA)

SSSI Impact Risk Zone

Proposed development

This application seeks permission for the change of use of an existing vacant A1 retail unit to Sui Generis Use as a private vehicle hire company. The proposed use is isolated to the ground floor and basement with the upper floors excluded from the application. There are no alterations proposed to the exterior of the property and only minor internal alterations are proposed to create a small area of seating consisting of 3-4 seats, for waiting customers.

Relevant Planning History

- | | | |
|---|----------------|---|
| - | HS/FA/49/00272 | Use of basement for woodworking. |
| | Refused | 14/06/1949 |
| - | HS/FA/91/00558 | Change of use of lower ground and ground floors |
| | Granted | from retail to cafe/bar (Use Class A3) |
| | | 08/10/1991 |
| - | HS/FA/92/00252 | Installation of new shop front |
| | Granted | 29/06/1992 |

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

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

Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)

Policy EN1 - Built and Historic Environment (CA16 TOWN CENTRE)

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 SA1 - Hastings Town Centre Shopping Area (Shopping Area Hastings Town Centre)

Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (CA16 TOWN CENTRE)

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest (Archaeological Notification Areas)

Policy CQ1 - Cultural Quarters

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.

Planning Policy Guidance (NPPG)

When is noise relevant to planning? - Paragraph: 001 Reference ID: 30-001-20140306

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.

Local Development Framework

Supplementary Planning Document - Shopfronts and Advertisements 2007

Consultations comments

Highways - No objection

Environmental Health - Noise - No objection

Conservation - No objection, as no external alterations proposed

Representations

In respect of this application a site notice was displayed and an advert was placed in the local paper. In response to this 15 letters were received from 14 different properties. Of these representations, all were letters of objection. The concerns within these letters are set out below;

- Potential for anti social behaviour due to opening hours
- Impact on parking
- Increase in traffic movements and congestion
- Inappropriate use in the 'America Ground'
- Contrary to Policy
- Increase in litter
- Increase in noise from person waiting outside
- Impact on the residential properties above from noise
- Impact on letting's value of properties
- Lack of CCTV

- Lack of street lighting
- Ongoing maintenance of the property

Determining Issues

Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

Impact on Character and appearance of the Conservation Area

As stated above, the site is located within the Hastings Town Centre Conservation Area. In light of this the impact of the development on the character of the Conservation Area must be assessed. Having reviewed the application, it is apparent there are no alterations proposed to the exterior of the property. As a result of this it is considered that there would be a minimal impact on the character of the Conservation Area. The Conservation Officer has also raised no objection towards the proposal. Taking this into account, it is considered that the proposal complies with Policy HN1 of the Hastings Development Management Plan and Policy EN1 of the Hastings Planning Strategy.

Loss of existing use and proposed use

Policy SA1 of the Hastings Development Management Plan states that within Hastings Town Centre Shopping Area, as defined on the Policies Map, at ground floor level, proposals for planning use-class A1, A2, A3, A4 and other uses appropriate to the character of the shopping area will be permitted provided both of the following criteria are satisfied:

- (iii) The proposal would not result in non-A1 uses exceeding 5% of the total floorspace of Priory Meadow and not more than 45% of the total number of ground floor units in the remaining shopping area, as defined on the Policies Map;
- (iv) The proposal would not result in such a concentration of non class A1 uses as to lead to a significant interruption in the shopping frontage, thus harming the vitality and viability of the town centre shopping area as a whole.

The Planning Policy team has advised that as a result of the proposal, the non-A1 uses would increase to approximately 41.1% should the application be permitted. The development is therefore considered to comply with the above quoted policy.

Impact on Neighbouring Residential Amenities

The proposed change of use has generated a lot of concern from local residents. The different concerns are listed above under the representation section. However, one of the main issues relates to the potential levels of noise and anti-social behaviour as a result of the use. This is clearly a point that needs careful consideration and as a result, formal consultation has been carried out with the Council's Environmental Health Team.

The existing retail premises are not subject to an hours of use restriction, however, it is likely that, as a retail use, they would typically close between 5-6pm. The proposed use requests hours of use as opening to midnight on Sunday to Wednesday, until 3am on Thursday and 24 hours a day on Friday and Saturday. Whilst on the face of it this represents a noticeable change from existing, there are a number of key factors material to this case. The first is that the site is located in the town centre where late night activity is to be expected and encouraged in support of the tourist and leisure/recreation function of the town. The second is that the proportion of customers visiting the premises to wait for a taxi is small. The applicant advises that this only represents 1-2% of the weekly business at Robertson Street on Monday - Thursday, rising to 4-5% Friday and Saturday evenings. Thirdly, that despite the

hours of use, the extent to which this will be to serve waiting customers will be notably reduced in most days in the early hours of the morning given the number of late night uses in the area, namely; The Print Works open until 1:30am latest, Scoffers takeaway shop open until 12:55am, Hoagies Reloaded until 4pm and JD Bar open until 11pm. As such it is reasonable to expect that the majority of the late business will consist of collection from other premises. Finally, no taxi waiting is proposed at the premises and the operation of the business sets out that taxis will be kept at members of staff's addresses until in use, at which point the taxi will go from one customer to the next, not parking at the offices between. The ability to park on this road is also limited by Zone B parking restrictions which extend up until 8pm.

Environmental Health have not objected to this application. They note that Phoenix Taxis, who are proposing to occupy the application site, are presently operating from a premises in Robertson Street and have been since 1993. The existing office is within a two minute walk of the application site. The existing premises in Robertson Street has a similar arrangement whereby the taxi office is on the ground floor with residential above. Having reviewed the history of the existing unit, the Environmental Health Officer has advised that there have been no noise complaints in relation to the existing taxi office use. Should the application be approved, the existing offices on Robertson Street will no longer be occupied by Phoenix Taxis as the premises lease is due to expire.

As noted earlier, the proposed hours for the taxi office at 10 Claremont are as follows:

- 05:00 - 00:00 - Sunday - Wednesday
- 05:00 - 00:00 - Thursday
- 00:00 - 00:00 - Friday & Saturday

The existing premises on Robertson Street has no restrictive hours of operation and as such can operate for 24 hours.

As noted above, there will be no taxis waiting outside the premises, apart from those picking up customers directly from the internal waiting area, and so there should be little impact in terms of engine noise above and beyond the existing traffic levels of the street.

Taking these factors into account, it is considered that, there would be little disruption to the residents above and surrounding the premises. It should also be noted that Environmental Health have raised no objection towards the scheme and do not consider any noise mitigation measures necessary. In light of this, it is considered that the change of use would not have an unacceptable impact on the amenities of the local neighbouring residents.

Highway Safety/Parking

Claremont is a one-way road accessed via Robertson Street and Trinity Street. These three roads form what is known as the 'Trinity Triangle'. Trinity Street and Claremont are both single width with some, restricted, on street parking available. The majority of the road has double yellow lines.

- **Parking**

In respect of the application the County Council Highways Authority have been consulted. Initially the Highways Officer raised an objection towards the scheme as there was insufficient information to enable a full assessment of the proposal. Following on from this, the agent submitted additional details which have now been reviewed by the Highways Authority. Following on from the additional information the Highways Officer has advised that, taking in to account the current parking restrictions (Zone B - 9am - 8pm permit holders only) in place on Claremont, parking will be sufficiently controlled and monitored to a level that will

not result in an impact on the highway that would be unsafe to a level that could be considered 'severe'.

- **Traffic Movement**

With regards to the potential for the increase in the number of vehicle movements around the site, the agent has advised that the proposed private vehicle hire use is only to be used for taking bookings and that none of the vehicles associated with its use will be kept within the vicinity of the site. When not in use, the taxi vehicles are stored at the drivers' individual properties. It must be acknowledged that some pick-ups from the office would take place as a waiting room is provided, it is understood that office based pick-ups are relatively infrequent and in most instances, customers are collected from their current location.

Taking these factors in to account, it is considered that the proposed use would not have an unacceptable impact on the existing highways network or existing levels of public safety.

Site Constraints

The site is located within an area of flooding surface water (1 in 100 and 1 in 1000). The development would not result in additional hard surface and as such there would be no increase in terms of impermeable area. In light of this it is considered that there would not be a detrimental impact in terms of surface water flooding.

The site is also located within an Archaeological Notification Area (ANA), however, it is considered that the scale of works required to facilitate the change of use would not have an unacceptable impact on the ANA and as such the County Archaeologist has not been consulted.

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

Conclusion

Taking the above in to account, it is considered that the change of use complies 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 change of use hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The premises shall not be used except between the following hours:-

05:00 - 00:00 - Sunday - Wednesday
05:00 - 00:00 - Thursday
00:00 - 00:00 - Friday & Saturday
3. Prior to installation, details of any proposed external CCTV cameras and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The cameras shall then be installed in accordance with the approved details.
4. The business shall be operated in accordance with the details set out in the Site Waste Management Plan dated 28.09.2016.
5. The business shall be operated in accordance with the details set out in the letter dated 10.05.2014 and signed 11.05.2015.
6. The change of use hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 16/848A

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining residents.
3. In the interests of the visual amenity of the Conservation Area.
4. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
6. For the avoidance of doubt and in the interests of proper planning.

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 proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
 4. A separate application, will be required to be submitted and assessed in accordance with the Advertisement Regulations, if it is proposed to install signage or advertisements in conjunction with the proposed use of the premises.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/16/00860 including all letters and documents