

Report to: PLANNING COMMITTEE
Date of Meeting: 14 December 2017
Report from: Assistant Director of Housing and Built Environment

Application Address: Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings, TN34 1EU

Proposal: Variation to condition 1 of Planning Permission HS/FA/15/00742 - To extend the temporary permission granted for 2 years for a further 2 years.

Application No: HS/FA/17/00827

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
Conservation Area: No
Listed Building: No

Applicant: Carisbrooke Surgery & Paydens Ltd per Till AM Limited MIOC Styal Road Manchester M22 5WB
Interest: Applicant

Existing Use: Bowling Green and associated car park

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 0
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated -
Application on Council owned land

1. Site and Surrounding Area

The application site is one of two disused bowling greens, west of Falaise Road. Although the site is not within a Conservation Area, it is within an area identified as a Historic Park and Garden. The site is adjacent Falaise Indoor Bowls Club to the north and there are various recreational areas including tennis courts, ball court, bike/skate board ramp, etc to the south.

Falaise Road Car Park and White Rock Gardens sit to the east of the site and the second disused bowling green and tennis courts lay to the west, with the Magdalen Road Conservation Area beyond. The site has been the location of the temporary Doctors' Surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors' surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

Constraints

SSSI Impact Risk Zone

Historic Parks and Gardens (Non-Registered)

Flooding Surface Water 1 in 1000

Land Owned Leased Licensed or held by Tenancy at Will by HBC

Magdalen Road Conservation Area Buffer - 71 metres away

2. Proposed development

This application seeks permission for the continued placement of the Carisbrooke Surgery buildings on the Bowling Green at White Rock Pleasure gardens for a further 2 years. This use was originally approved in 2013 and again in 2015, each time for a temporary period of two years.

Details of the proposal and Other Background Information

The Warrior Square and Carisbrooke doctors' surgeries and pharmacy were originally located in Marlborough House, Warrior Square. Following a major roof fire on 29 July 2013, which resulted in water damage to the lower floors, the building has been completely vacated until repair works have been completed. It was originally estimated that the repairs would take a minimum of eighteen months and the temporary buildings would be on site for two years. Due to the level of time taken to commence repairs on the site and adverse weather conditions, a significant mould and bacteria infestation has occurred. As a result of this, since September 2014 no person has been allowed to enter Marlborough House without full personal protective equipment (PPE). As a result of this the Marlborough House site is clearly presently unfit for purpose as a Doctor's surgery and pharmacy.

Relevant Planning History

HS/FA/13/00745 Erection of temporary portakabin buildings for use as Doctors Surgery and Pharmacy
Granted 28 October 2013

HS/FA/15/00742 Variation to condition 1 of Planning Permission HS/FA/13/00745 - To extend the temporary permission granted for 2 years for a further 2 years. The original premises, Marlborough House, was badly damaged by fire & water and is yet to be repaired.
Granted 21 October 2015

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy EN1 - Built and Historic Environment (Historic Parks and Gardens)
Policy FA2 - Strategic Policy for Central Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

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 HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (Historic Parks and Gardens)
Policy HN3 - Demolition involving heritage assets (Historic Parks and Gardens)
Policy HN8 - Biodiversity and Green Space (Historic Parks and Gardens)

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.

Para 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Para 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Planning Practice Guidance (PPG)

When can conditions be used to grant planning permission for a use for a temporary period only? Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity.

It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.

A condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Conditions requiring demolition of buildings which are imposed on planning permissions for change of use are unlikely to relate fairly and reasonably to the development permitted.

3. Consultations comments

Estates - **No objections**

Refuse Storage - **No objections**

Amenities and Leisure - **No objections**

4. Representations

In respect of this application a site notice was displayed at the site. An advert was also placed in the local paper. No responses were received.

5. Determining Issues

a) Principle

As stated above, paragraph 14 of the Planning Practice Guidance states that it will rarely be justifiable to grant a second temporary permission. It goes on to state that further permissions should normally be granted permanently or refused if there is clear justification for doing so. However, there is no presumption that a temporary grant of planning permission should be granted permanently. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

This is the second application for the retention of the doctors surgery on this site. In support of the application the applicant has provided details to justify the continued use of this site for a further two years. The Agent has advised that meetings have been held with East Sussex County Council with regards to the potential development of a Medical Centre at an alternative site within the Borough. The agent has also advised that they are formally under offer for the purchase of a site and the respective solicitors are now engaged. It is hoped that contracts are to be exchanged by the end of January 2018.

It is apparent that there has been clear progression towards finding an alternative site within the Borough and, while the granting of a second temporary permission is not generally considered acceptable in principle, due to the clear need to provide a doctors surgery to the local residents, it is considered that a further temporary permission for two years should be approved in this instance.

b) Impact on Character and Appearance of the Historic Park and Garden

Paragraph 134 of the National Planning Policy Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The character and appearance of the temporary buildings has previously considered and approved under the planning application HS/FA/13/00745 and HS/FA/15/00742. At this time it was decided that, although the buildings are not of an appearance that would normally be acceptable in this location, due to the exceptional circumstances as detailed above and the buildings being for a temporary period only, the application is considered acceptable.

It was also considered that due to the level of screening around White Rock Gardens, overall there would be a minimum impact on the designated Historic Parks and Gardens and as such the application is acceptable. The proposal is therefore considered to meet the aims of the National Planning Policy Framework as quoted above.

c) Highway Safety/Parking

The site is located in close proximity to the Falaise Road public car park and is in easy access to main bus routes on Bohemia Road and the seafront. There are no alterations the existing parking provision due to the constraints of the site. The current parking provision has been serving the doctor's surgery since 2013 and as such is considered acceptable.

6. Conclusion

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.

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P040-PL01

Reasons:

1. In the interests of the character and amenity of the White Rock Gardens and the area in general.
2. 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.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/17/00827 including all letters and documents