

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

Application Address: **Bowling Green Pavillion, Alexandra Park, St Helens Road, Hastings**
Proposal: **Change of use from a ladies changing room to a food and drink kiosk (A1 use).**
Application No: **HS/FA/17/00342**

Recommendation: **Grant Full Planning Permission**

Ward: BRAYBROOKE
Conservation Area: Yes - Blacklands
Listed Building: No

Applicant: Eat @ Hastings per Mr Derhun 108 Victoria Avenue Hastings TN35 5BT
Interest: Prospective user (HBC is landowner)

Existing Use: Bowling pavilion

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
Letters of Objection: 21
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection received

1. Site and Surrounding Area

The site comprises a small, single storey bowling green pavilion to serve the Alexandra and Clive Vale Bowls Clubs, situated in the heart of Alexandra Park, a historic park and garden both nationally and locally designated. It is one of the key buildings within the park and provides for a well-known feature in this lower section. There are no residential properties in the immediate vicinity of the pavilion, just ponds, pathways, greenspace associated with the

Park's use, as well as the designated bowling green immediately to the south-east of the pavilion building.

Alexandra Park is Council owned land, although the application is brought forward by Eat@, who propose to bring the proposed food and drink kiosk into use.

Constraints

- Blacklands conservation area
- Flood Zones 2 and 3
- Area affected by surface water flooding
- Area affected by groundwater flooding
- Historic Park and Garden
- Grade II* Registered Park and Garden
- SSSI Impact Risk Zone

2. Proposed development

It is proposed to change the use of the existing attendants room (also used as a ladies changing room) to a food and drink kiosk within an A1 use, as designated by the Town & Country Planning (Use Classes) Order 1987 (as amended). The kiosk is to face out from the north-western side of the building facing towards St Helens Road, which runs to the north of the park. The kiosk will sell tea, coffee, soft drinks, ice creams and sandwiches only, and shall not be used for the cooking or sale of hot food.

External alterations are limited to the removal of the existing mullions and casements of the existing casement window on the north-western elevation (leaving the frame in situ) and display of new signboards on either side of this opening. A new paved area will form the frontage to the kiosk and railings to match the existing perimeter fencing around the bowling green will be installed at the front of the kiosk providing its enclosure.

The application is supported by the following documents:

- Design and access statement (drawing number D/573/02D)

Relevant Planning History

No relevant planning history

National and Local Policies

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 SC7 - Flood Risk
Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas

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.

3. Consultation comments

Conservation Officer - **no objection**

Considers that the external alterations proposed are relatively minor and will not harm the significance of the Bowling Pavilion or the wider registered park

Environmental Health - **no objection**

Recommend food safety and health and safety informatives

The Gardens Trust - **no comment**

No comments to make on the proposal

Historic England - **no comment**

No comments to make on the proposal

Estates - **no objection**

Verbal response received - no objection to the proposals

Waste Management - **no objection**

Consider that there is sufficient space for waste storage within the site and raise no objection to the proposal

4. Representations

22 letters of representation have been received following the display of site notices at both the initial consultation, and amended plans stages. 21 of these were objections and 1 neutral comment was received.

The neutral comment focused on procedures of the decision-making process and did not make any specific comments in respect of the proposal.

The objections raised the following concerns:

- Proposed store room is insufficient to be used as a ladies changing room
- Increased litter as a result of the change of use
- Will discourage the use of the Bowls club by women
- Need to separate male and female changing rooms
- Space to store equipment will be lost
- Disturbance to bowlers from activity around the kiosk

5. Determining Issues

This is a relatively minor application that has attracted some significant public interest, mostly centred around the loss of the female changing area to facilitate the proposed kiosk. It is therefore, important to consider these concerns in terms of the layout and functionality of the pavilion, as well as the impact of the proposed use on the character and appearance of the area in respect of its location in a conservation area and within a registered park and garden.

a) 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.

b) Impact on character and appearance of area and the Blacklands Conservation Area

The change of use involves only minimal external alterations to the building itself which are not considered to cause harm to the character and appearance of the building or wider conservation area. The existing window opening and frame will remain, with the casement and mullions removed to make for a more functional opening. The proposed signage either side of this opening is proposed to be removed at the end of each day but is of an appropriate size and appearance to be in keeping with the existing building. The proposed paved area to the front of the kiosk is identified as being of sandstone construction which is an appropriate material for use in areas such as this, and is considered to be complementary to the historic significance of the area. Similarly, it is proposed to continue the existing style of perimeter fencing that currently surrounds the bowling green, which will ensure continuity in the design and appearance of the area as a whole.

It is therefore considered that the proposal has reached a good standard of design that shows an appreciation of its surroundings and use of materials. The outdoor advertisements do not detrimentally affect the appearance of the pavilion building itself or the surrounding area. Policies DM1 and DM3 of the Development Management Plan are, therefore complied with in these respects.

c) Impact on Heritage (Grade II* Registered Park and Garden)

Given the minimal scale of external alterations, it is not considered that the works will have a negative impact on the significance of this registered park and garden. The Council's conservation officer raises no objection on these grounds.

d) Layout

Numerous objections have been received regarding the loss of the attendants room, which is used as a ladies changing area. The case officer has received verbal confirmation from Bowls England that there are no minimum requirements for changing facilities in pavilions such as this. In some cases, no changing facilities are provided at all. Furthermore, it is important to note that as a Council owned building, the Bowls club have free use of its facilities as a goodwill gesture. There is no obligation on the Council, or any other party, to maintain the internal layout in a certain way. Eat@ cafe also use some of the space within the pavilion for storage of equipment, as well as the bowls club.

It is therefore considered that given the proposal to use the existing equipment store as a ladies' changing area, this still provides a functional use for the bowls club in accordance with the requirements of the National Planning Policy Framework, despite it being smaller in size than the attendants room currently used. There is also the potential to use the larger changing area as a mixed changing area (or to insert partitions) if considered necessary by the occupants, although there are no planning or leisure facility requirements to ensure this is the case by condition.

There is ample external space adjacent to the building for refuse storage. The Council's Waste Management Team raise no objection to the proposal, and consider there are sufficient means for its removal.

Taking into account the above considerations, it is considered that the proposal accords with the requirements of Policy DM3 of the Development Management Plan in that the proposed internal layout is fit for purpose and adequate refuse storage space is available.

e) Proposed A1 use

The proposed kiosk is intended to be managed by the existing occupants of the Park (Eat @) Cafe, and will serve basic food and drink only. No hot food will be prepared or sold on site. This will provide a commercial element to the pavilion and help bring in more revenue for this lower end of the park, whilst minimising any disturbance to bowlers who may be playing at the time - as no full meals will be served or consumed on site. It is important to note that whilst the bowling green is well used, the kiosk offers an all year round, and all day activity in this area, and will provide an additional service to the users of the Park overall. There are no residential properties in the immediate vicinity, or other occupants that may be affected by the proposal. It is not considered that the type of food/drink being served will result in a significant increase in litter, and bins are located in numerous locations around the Park to ensure that there are enough disposal option for users.

The proposed A1 use is therefore considered acceptable in this location.

f) Impact on neighbouring residential amenities

There are no residential properties within the immediate area, so, residential amenities remain unharmed. Policy DM3 of the Development Management Plan is therefore complied with in this respect.

g) Other site constraints

The site is located within an area at high risk of flooding. However, the application does not propose any increase in footprint and as such, will not cause any further harm in terms of flood risk. No further action is therefore required in respect of Policy SC7 of the Planning Strategy.

The development is not of sufficient scale to warrant further consideration in respect of its location within a SSSI Impact Risk Zone.

6. Conclusion

The proposed change of use of the existing attendants room, currently also used as a ladies changing area, is considered to be an appropriate use of the space, providing a benefit to the users of the wider Park. The loss of this space is not considered to result in the loss of a functional or fit for purpose bowls pavilion, which can still operate alongside the new kiosk. The change of use will bring a commercial element to the space, enhancing its current viability. It has been demonstrated that there will be no harm to residential amenities or the significance of this heritage asset as a Registered Park and Garden.

The proposal therefore 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.

7. 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:

SD/573/02D,SD/573/03

3. No development shall commence until the following details of materials have been submitted to and approved in writing by the Local Planning Authority:

- External block paving
- Perimeter fencing

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

4. The premises shall not be used except between the following hours:-

08.00 - 17.30 Monday - Friday,
08.00 - 18.00 Saturdays,
10.00 - 16.00 Sundays or Bank Holidays.

5. If at any time the use of the cafe intensifies to include the provision of hot meals and more complex catering a scheme for the fitting of odour control equipment and its sound insulation to the building shall be submitted to and approved by the Local Planning Authority prior to the use commencing. The odour control equipment and sound insulation shall be maintained thereafter to the satisfaction of the Local Planning Authority in accordance with the manufacturers instructions and records of cleaning/replacement of filters/fans etc. shall be kept available on the premises for inspection.

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 registered park and wider conservation area.
4. To safeguard the amenity of nearby residents.
5. To safeguard the amenity of nearby residents.

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 Health and Safety at Work Etc. Act 1974 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed for advice on satisfying the requirements of Health and Safety Law.
4. The Food Safety Act 1990 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed to the kitchen and other food rooms/areas for advice on satisfying the requirements of food safety law.
5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at https://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/17/00342 including all letters and documents