

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

Application Address: **Proposed Catering Unit, Upper Promenade, Marina, St Leonards-on-sea**
Proposal: **Change of use of land to concession site for stationing of catering vehicle (non permanent)**
Application No: **HS/FA/17/00885**

Recommendation: **Grant Full Planning Permission**

Ward: CENTRAL ST LEONARDS
Conservation Area: Yes - Burtons' St. Leonards
Listed Building: No

Applicant: Estates Service Muriel Matters House Breeds Place Hastings TN34 3UY
Interest: Freeholder

Existing Use: Public Pavement

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
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 site consists of a 30m² area of land, located on the promenade on the St Leonards seafront. At this point of the promenade the pavement is approximately 18 metres in width, with a cycle track running parallel to the pavement for pedestrians. To the south is a ramped access to the lower promenade and access to the beach. To the east are the steps to the raised promenade and to the west is the Marina public car park. The site is accessed from the public highway via a barrier on Marina.

The closest residential dwelling, No. 48 Marina, is approximately 30 metres away on the opposite side of the highway. The site is within the Burton's St Leonards Conservation Area and in close proximity to several listed buildings, included Western Colonnade and The Royal Victoria Hotel.

Constraints

Flooding Groundwater

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Flood Zone 2 Environment Agency

Flood Zone 3 Environment Agency

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

Land Owned by the Foreshore Trust

SSSI Impact Risk Zone

Conservation Area - Burton's St Leonards

2. Proposed development

This application seeks permission for the change of use of an area of the promenade to be used for the stationing of temporary catering vehicles such as 'The Little Vintage Tea Box'. There is to be one catering vehicle at any one time and these are to be removed from the site at the end of each day. The site has been used over the summer on 2017 for such a use and, due to the popularity, it is proposed for this to continue.

The hours proposed are:

- Monday to Friday - 09:00 - 20:00
- Saturday - 09:00 - 20:00
- Sundays and Bank Holidays - 09:00 - 20:00

The application is supported by the following documents:

- Design and Heritage Statement
- Flood Risk Assessment
- Site Waste Management Plan

Relevant Planning History

None

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

Policy FA4 - Strategy for Central St Leonards

Policy FA6 - Strategic Policy for The Seafront

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

Policy EN1 - Built and Historic Environment (CA2 BURTONS' ST. LEONARDS)

Policy E4: Tourism and Visitors

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) (CA2 BURTONS' ST. LEONARDS)

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. Consultations comments

Estates - **No objection**

Foreshore Trust - **No objection received**

Conservation - **No objection, subject to conditions**

Environmental Health Commercial - **No objection, subject to conditions**

Environment Agency - **No objection**

Highways - **No objection**

Refuse - **No objection**

Marketing & Major Projects Manager - **No objection**

4. Representations

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

5. Determining Issues

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.

The principle of the application is also supported by Policy E4 of the Hastings Planning Strategy which states that new visitor attractions will be encouraged and those that already exist will be protected, unless it can be demonstrated that they are no longer economically viable either in existing or adapted form. The upgrading of provision will be encouraged where it increases the range and/or quality of tourist facilities. Proposals for new visitor attractions will be considered sympathetically anywhere within the Borough subject to other policies. The seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront.

b) Impact on Character and Appearance of the Conservation Area

Policy HN1 of the Hastings Development Management Plan states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset.

As stated above, the site is located within the Burton's St Leonards conservation area. The Council's Conservation Officer has raised no objection towards the proposal, however, has commented that, should the catering vehicle become a permanent feature, objections would be raised on the grounds of harm arising to the setting of the character of Conservation Area and surrounding Listed Buildings.

It is proposed that only one catering unit is to be on the site at any one time and this is to be removed by 20:00 each day. In light of this, it is considered that, due to the temporary nature of the use, there would not be a detrimental impact to the character of the conservation area and no harm will be caused to the significance of the setting of the surrounding listed buildings. The proposal is therefore acceptable and complies with the aims of Policy HN1 as quoted above.

c) Highway Safety/Parking

The site is accessed from the public highway via an existing lift-up, lockable barrier. The junction on to the highway has clear, unrestricted views in both directions and the public pavement in this area is wide, with ample space for cyclists and persons on foot.

The Highways Officer has raised no objection to the proposal and it is considered the use of the existing access is acceptable as there would not be a detrimental impact on highway safety. The proposal therefore complies with point h of Policy DM1 of the Hastings Development Management Plan which states that permission will be given if it can be adequately demonstrated that there is no safety risk to the public.

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. Only one catering unit shall be stationed on the site at any one time and any associated vehicles required to move the unit shall only be on the promenade at drop-off and collection times and at no point parked on the promenade.
2. The catering unit shall only be located on site during the following times :-

09.00 - 20.00 Monday to Friday
09.00 - 20.00 Saturdays
09:00 - 20:00 Sundays or Public Holidays.
3. Upon removal of the catering unit each day the site shall be left clear of litter and refuse associated with the use.

Reasons:

1. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area and surrounding listed buildings.
2. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.
3. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.

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 the Local Planning Authority 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. Any proposed catering unit is strongly advised to contact the Environmental Health Division for advice on satisfying the requirements of food safety law.
4. The Food Business Operator will be required to register the food establishment with the Hastings Borough Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/
5. Any proposed catering unit is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
6. All trade business must have the correct commercial waste disposal receptacle and contractor in place To fulfil their 'duty of care' (sec 34 EPA 1990).

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/17/00885 including all letters and documents