

Planning Agenda

Thursday, 19 December 2019 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

For further information, please contact Democratic Services on 01424 451484 or email:
democraticservices@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting	1 - 10
4.	Notification of any additional urgent items	
5.	Planning applications attracting a petition	
(a)	Fernwood Care Home, 30 Fern Road (HS/FA/19/00266) (<i>E Meppem, Senior Planning Officer</i>) http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_HSTBC_DCAPR_116283	11 - 34
6.	Other Planning Applications	
(a)	Shop and Premises LHS, Lacuna Place, Havelock Road (HS/FA/19/00814) (<i>S Wood, Principal Planning Officer</i>) http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_HSTBC_DCAPR_116835	35 - 48
(b)	Shop and Premises LHS, Lacuna Place, Havelock Road (HS/FA/19/00664) (<i>G Fownes, Assistant Planning Officer</i>) http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_HSTBC_DCAPR_116685	49 - 60

Agenda Item 3 Public Document Pack

PLANNING

16 OCTOBER 2019

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Beaver, Bishop, Davies, Edwards, Marlow-Eastwood, O'Callaghan, Scott and Webb

156. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Davies

157. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver, Scott and Webb	Any item that concerns highways	Personal – East Sussex County Councillors
Beaver	5a	Personal – friends owns property in the vicinity

158. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 11 September 2019 be approved by the Chair as a true record.

159. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

160. PLANNING APPLICATIONS ATTRACTING A PETITION

161. 9 WESLEY SALMON CLOSE (HS/FA/19/00459)

Proposal	Change of use from C3 (dwelling house) to a mixed use comprising C3 (dwelling house) and A1 (use of utility room for hairdressing).
Application No.	HS/FA/19/00459
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 1 letter of objection, 4 letters of support, 1 petition of support, 1 neutral comment received – Petition of support received contrary to officer's recommendation

Councillor Davies was not present for the officer's report so was not able to take part or vote on this item and sat in the public gallery during consideration of this item.

The Planning Services Manager presented the item which was recommended for refusal, she commented that the number of support letters has increased from 4 to 5

PLANNING

16 OCTOBER 2019

and an additional neutral comment has been received since the publication of the agenda.

Councillors were shown plans and photographs of the application site. The Planning Services Manager set out the planning history for the site and explained that a complaint was received in 2018, following which a planning application was submitted. The proposed use introduces business activity, noise disturbance and was not an acceptable use as it was considered to be a harmful change to the character of the area and contrary to guidance in the NPPF.

Christine Crouch was present and spoke on behalf of the Petitioner in support of the application. She commented that she has lived in Wesley Salmon Close for 12 years and was aware of the planning application. Although there is congestion in the immediate area, Wesley Salmon Close is only congested in the evenings, which is outside of the proposed business hours of the application. Turning and manoeuvring is difficult due to the layout of the cul-de-sac which is not signposted as such. A lot of the traffic is people trying to drive through not knowing that it is a cul-de-sac. Around 30 residents have supported this application and believe that parking would not be a problem and the salon has not impacted parking for residents so far. She said that the visitors were considerate of the neighbours and that the applicant's customers park on the properties driveway and don't disrupt the area. She commented that she wasn't even aware that there was a business running until this application.

Councillors asked questions of the petitioner's nominated speaker.

Graham Fifield, the applicant's agent, was present and spoke in favour of the application. He commented that there has been lots of support from local residents for the application and similar applications have been granted before. The business has been running for 17 months and the residents who most of which didn't realise it was there until a sign went up will have the best knowledge of the impact on the area that the business has. The owner was not aware that she would require planning permission for this. The use that was previously applied for was for a much more in depth salon, in the new application the extent of the dwelling is reduced as is the opening times. No staff are employed. When the salon is not in use it will be used as a utility room. The traffic harm to residents from the officer report is not apparent, it is hard to manoeuvre in the road but there is no evidence that this is due to the presence of the salon. A nearby parking survey showed no impact on traffic. Other concerns from the officer's report are expansion of the business or inclusion of additional A1 uses, this is not true. A personal condition may be appropriate. He stated that by refusing the application the applicant would be deprived of her livelihood.

Councillors asked questions of the applicant

Councillors asked questions of the Planning Services Manager

The Planning Services Manager commented that the parking survey mentioned by the applicant in the area was of limited scope so useful conclusions could not be drawn

PLANNING

16 OCTOBER 2019

from this. There are key differences between other application that have been granted and this one. Through roads can show less impact from increased activity.

Councillors discussed the use of paragraph 127 of the National Planning Policy Framework (NPPF) in the officer's report. The Planning Services Manager commented that paragraph 127 is that the application creates a safe place with high standards for residents. The development was discovered because of a complaint made to the council.

Councillors discussed the potential of adding a personal condition to limit growth of the business. The Planning Services Manager commented that personal conditions are very rarely used and the Government's advice is to avoid their use. The number of customers could be restricted but the current number of customers is not known.

The Planning Services Manager suggested that from councillor's discussions two conditions could be added:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Block Plan

Floor Plan and Elevations Drawing no PLAN GRF1

2. The use of the hairdressing salon hereby granted shall operate only within the following times:-

14:30 to 17:30 on Mondays

10:00 to 12:00 and 14:00 to 16:00 on Wednesday and Friday

11:00 to 13:00 on Thursdays

9:30 to 12:30 on Saturdays

Not at all on Sundays or Public Holidays

Councillor Beaver proposed a motion seconded by Councillor Scott that planning permission be approved with the two conditions agreed as set out in the below resolution.

RESOLVED – (7 for, 2 abstentions.) that Full Planning Permission be approved subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Block Plan

Floor Plan and Elevations Drawing no PLAN GRF1

2. The use of hairdressing salon hereby granted shall operate only within the following times:-

14:30 to 17:30 on Mondays

10:00 to 12:00 and 14:00 to 16:00 on Wednesday and Friday

PLANNING

16 OCTOBER 2019

11:00 to 13:00 on Thursdays
9:30 to 12:30 on Saturdays
Not at all on Sundays or Public Holidays

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining and future residents.

162. OTHER PLANNING APPLICATIONS

163. 25 WEST HILL ROAD (HS/FA/19/00431)

Proposal	Conversion of upper ground floor and first floor from house to 2 x 2 bed flats. Replacement rear elevation windows, enlargement of two upper ground floor windows and the formation of Juliet balcony with associated door (part-retrospective) (amended description).
Application No.	HS/FA/19/00431
Conservation Area	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	Yes – 10 letters of objection received

Councillor Davies joined the committee from the start of this item after arriving late.

Councillors were shown plans and photographs of the application site

The Planning Services Manager presented the item and commented that no additional comments have been received. She explained that the application was part retrospective. She stated that many of the houses in the area were converted into flats. Policy HC1 deals with conversion. She stated that the loss of the dwelling to flats had already occurred and that there was no harm to residential amenities.

Councillors commented that they were frustrated that the application is retrospective, and that they should continue to be concerned about retrospective applications in the future.

Councillor Beaver proposed a motion seconded by Councillor Edwards that planning permission be granted as set out in the resolution below.

RESOLVED – (Unanimously) that Full Planning Permission be granted 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.

PLANNING

16 OCTOBER 2019

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

114.200A, 114.100B, 114.101, 114.102, 114.110, 114.111, 114.201A, 114.202A, 114.210B and 114.211A

3. 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.

4. Any replacement windows or doors should have white frames.

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 safeguard the amenity of adjoining and future residents.

4. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.

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 paragraph 38 of the National Planning Policy Framework.

164. 52A BURRY ROAD (HS/FA/19/00357)

Proposal	Proposed demolition of existing building (currently used as a Beauty Salon) and erection of a two storey contemporary dwelling with off street parking (amended design).
Application No.	HS/FA/19/00357
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 6 letters of objection, 1 neutral

PLANNING

16 OCTOBER 2019

	comment received
--	------------------

Councillors were shown plans and photographs of the application site

The Planning Services Manager presented the item for the demolition of a building and the erection of a 2 storey building, commenting that the only update is that the agent had advised that the site is currently in use but the report says that it is vacant. She commented that there was a smaller footprint than existing. It was considered appropriate in the street scene and was not considered to be harmful.

Councillors asked questions of the Planning Services Manager. She explained that the application was set slightly further forward than before but would have minimal impact on number 52.

Councillor Beaver proposed a motion seconded by Councillor Scott that planning permission be granted as set out in the resolution below.

RESOLVED – (Unanimously) that Full Planning Permission be granted 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:
19.056/01 B, 19.056/02 C
3. Prior to commencement of development above ground, full details of the proposed external materials to be used in the construction of the development hereby approved are to be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials.
4. (i) Prior to commencement of development full details of the proposed means of foul sewerage and surface water disposal/management, including evidence of a 'build over' agreement from Southern Water for any necessary works, are to be submitted to and approved in writing by the Local Planning Authority.

(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.

and

(iii) No occupation of any of the dwelling hereby approved shall occur until evidence (including photographs) have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the necessary drainage infrastructure capacity is now available to adequately service the development.

5. Prior to commencement of development, including any ground works or works of demolition, a Construction Management Plan is to be submitted to and approved in

PLANNING

16 OCTOBER 2019

writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and egress and routeing of vehicles during construction,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,

The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).

6. Prior to occupation of development hereby approved, full details of the soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation or within the timescales agreed by the Local Planning Authority. These details shall include the proposed planting plan; written specifications, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme, finished levels or contours; means of enclosure; parking layouts; hard surfacing materials; minor artefacts; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

7. The first and second floor (side) west elevation windows shall be fitted with obscure glazing and fixed shut prior to occupation and thereafter retained.

8. All soft and hard landscaping shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations or extensions are to be carried out to the dwelling hereby approved or any outbuildings erected within the curtilage, without the prior written approval from the Local Planning Authority.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) no windows or openings

PLANNING

16 OCTOBER 2019

(other than those expressly authorised by this permission) shall be inserted into the south and west elevation(s) of the dwelling hereby permitted.

11. Prior to occupation of the dwelling hereby approved the parking spaces within the site serving the new dwelling are to be provided. These areas are to be retained and available for the parking of vehicles at all times.

12. Prior to occupation of the dwelling hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.

13. 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.

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 ensure a satisfactory development and prevent increased risk of flooding.
5. In the interests of highway safety and the amenities of the neighbouring residents.
6. To ensure a satisfactory standard of development and in the interests of the visual amenities of the area.
7. To safeguard the amenity of adjoining and future residents.
8. To ensure a satisfactory standard of development.
9. To ensure a satisfactory standard of development and in the interests of the visual amenities of the area.
10. To safeguard the amenity of adjoining and future residents.
11. To ensure a satisfactory development and in the interests of highway safety.
12. To ensure a satisfactory standard of development.

PLANNING

16 OCTOBER 2019

13. To safeguard the amenity of adjoining 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 paragraph 38 of the National Planning Policy Framework.

3. Consideration should be given to the provision of a domestic sprinkler system.

4. The application should contact BT in respect of the telegraph pole at the front of the site. Any required works must be done at the applicants expense. Further guidance can be found via the following link;

<https://www.openreach.com/network-services/altering-our-network>

5. The applicant is advised to engage with local residents in respect of a programme of development.

165. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager gave an update on planning appeals and delegated decisions.

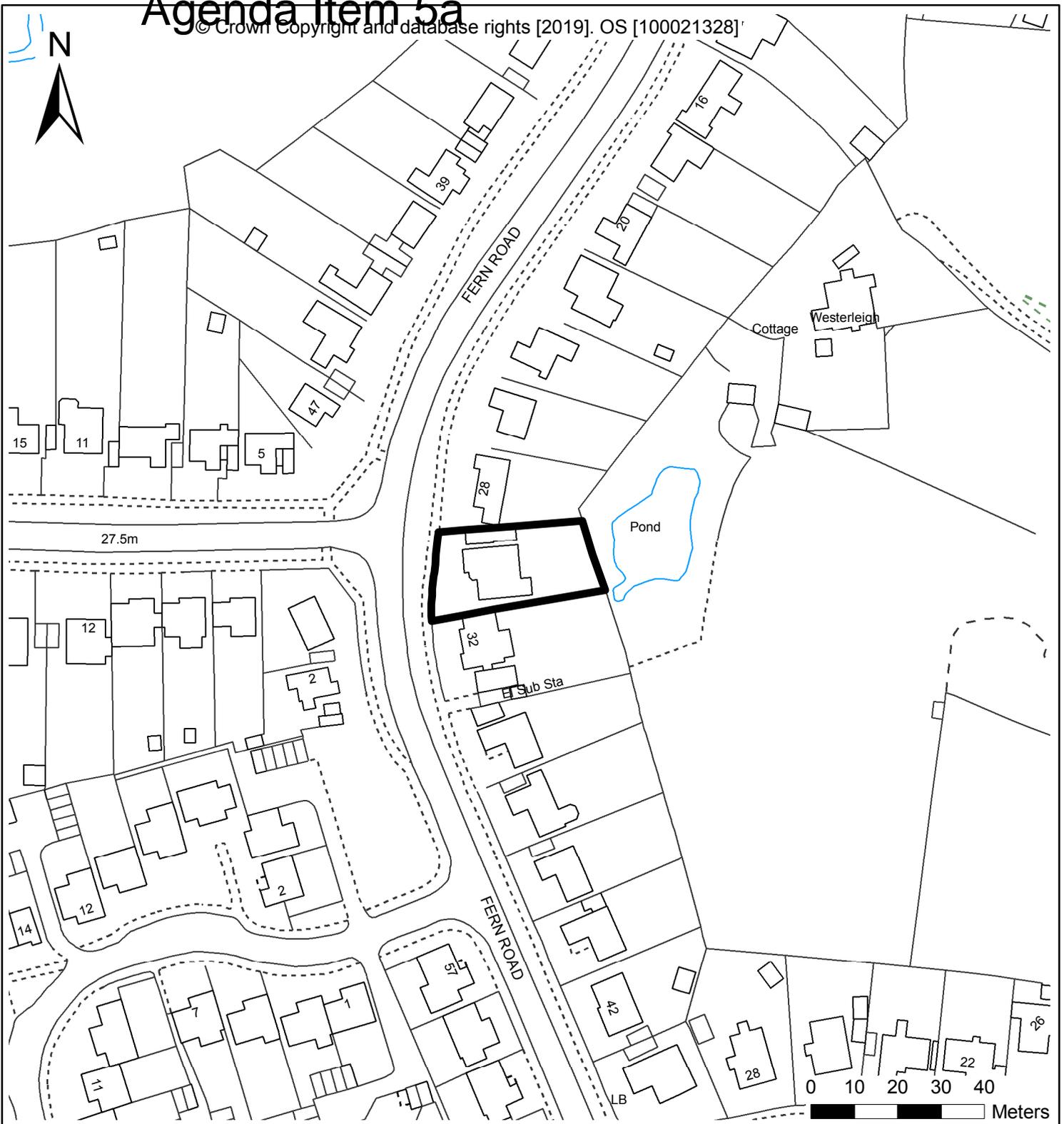
The report was noted by the Committee.

(The Chair declared the meeting closed at. 7.21 pm)

This page is intentionally left blank

Agenda Item 5a

© Crown Copyright and database rights [2019]. OS [100021328]



Fernwood Care Home
30 Fern Road
St Leonards-on-sea
TN38 0UH

Change of use from a C3 residential property to a D1 Non-residential institution, as a day nursery. The proposal includes: Increased widths to the external footpaths (amended description).



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Oct 19

Scale: 1:1,250

Application No. HS/FA/19/00266

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 19 December 2019

Report from: Assistant Director of Housing and Built Environment

Application address: Fernwood Care Home, 30 Fern Road, St Leonards-on-sea, TN38 0UH

Proposal: Change of use from a C3 residential property to a D1 Non-residential institution, as a day nursery. The proposal includes: Increased widths to the external footpaths and erection of 2m acoustic fence (amended description).

Application No: HS/FA/19/00266

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Jooshandeh per Mr Hill 7 Cambridge Road
HASTINGS TN34 1DJ

Public Consultation

Site notice:	Yes
Press advertisement:	No
People objecting:	29
Petitions of objection received:	1
People in support:	49
Petitions of support received:	0
Neutral comments received:	1

Application status: Not delegated - Petition received
More than 5 letters of objection contrary to the recommendation

1. Site and surrounding area

The site comprises a detached 5 bedroom chalet bungalow with good sized rear garden and detached double length garage. The site is located on a slight slope so that no.28 is slightly higher than the application site and no. 32, slightly lower. There is also a slight rise from the rear elevation of the bungalow on site to the rear boundary of the site. Boundary treatment comprises a combination of hedge, fencing and brick wall along the side (south) boundary to no. 32 and ranges in height between approximately 2 to 3m adjacent to the rear garden of the application site. The side (north) boundary treatment to no. 28 comprises principally a 3m (approximately) hedge adjacent to the rear garden of the application site. The rear boundary comprises a 1.2m high (approximately) wooden picket fence.

To the front, is a hardstanding area offering a single parking space accessed from an existing driveway. The front garden includes a semi mature tree, vegetation and a series of concrete paths.

To the north is no. 28 Fern Road, a detached 2 storey dwelling and to the south, no. 32 Fern Road a detached chalet bungalow. To the east is a pond, which is located within the grounds of the former Westerleigh School (allocated for residential within the Hastings Development Management Local Plan with an identified capacity of 68 dwellings (policy FB4)). The application site is located at a bend in the road and is opposite the junction to Fernside Avenue. Fern Road is a two way road but is fairly narrow with wide grass verges either side of the road some of which include semi mature trees which add to a sylvian character at this point. To the south on the other side of the road, approximately 50m from the site is a bus stop and a small open grassed area.

The surrounding area is principally residential in nature comprising detached two storey and chalet bungalows in an open plan estate, i.e. limited front boundary treatment. The character is a peaceful and quiet one. Most properties benefit from off road parking. There are no parking restrictions on the road at this point.

Constraints

SSSI Impact Risk Zone (thresholds not relevant)

The site is partially within a 1:100 and 1:1000 surface water drainage flood zone

Group TPO 237A covers land to the rear (east of the application site)

2. Proposed development

The application proposes a change of use from a dwelling (class C3) to a day nursery (class D1). The nursery is proposed to open Monday to Friday from 8am to 6pm, 48 weeks of the year. The nursery would employ 5 full time staff and cater for a maximum of 28 children, at any one time. The submission refers to three sessions operating in the morning and three sessions in the afternoon:

Morning

8.30am to 12 noon

9.00am to 12.30pm

9.30am to 1pm

Afternoon

12 noon to 3pm

12.30pm to 3.30pm

1pm to 4pm

In addition, additional care is offered from 8am or until 6pm as requested.

The 28 children will be in the age ranges of:-

- Up to four children between the ages of 2-3
- and twenty-four children between the ages of 3-5

And this will be the maximum number of children on site at any one time or any one session.

The applicant has advised that between 8 to 16 children will use the garden at any one time, activities outside include singing. Generally, the children would access the outdoor space from 9.30am until 11.30 am then 1.00pm until 4.00pm and that 2 members of staff will be outside at all times.

The application has been amended to remove the formation of a disabled parking space, land level changes and retention wall. The only external alterations now proposed are the widening of existing footpaths to the front garden to a total width of 1.2m and the erection of a 2m acoustic fence along both side boundaries within the rear garden.

For clarity, despite the content of the application submission, the applicant has advised that no additional tree or hedge planting is proposed. However amended plans have been submitted to show the location of a bike, buggy or scooter store. These are not required by the Planning Officer in assessing the scheme, but offered as a way of supporting walking to the site or for staff as an alternative to using the car as a means of transport. As the bin store is enclosed, and a bicycle and buggy store are proposed, elevations are required and have been requested. These have not been submitted but are required by condition 8 should Planning Committee determine to grant this application.

The application is supported by the following documents:

Site Waste Management Plan

Design and Access Statement

Environmental Noise Assessments

Travel and Access Plan

Transport Statement produced by Reeves Transport Planning

Relevant planning history

No relevant planning history on site

Land North of 14 Fern Road

HS/FA/08/00797 Amended by HS/FA/14/00713 & HS/FA/15/00819 for 14 semi-detached houses granted 01/2016

Land North of 31 Fern Road

HS/FA/17/00449 Erection of 10 dwellings (revised scheme following approval of planning application no. HS/FA/15/00763) granted 12/2017

Land Opposite 3 Fern Road

HS/FA/18/00866 Erection of pair of semi-detached dwellings granted 12/2018

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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

Policy T3 – Sustainable Transport

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 DM6 – Pollution and Hazards

Policy HC1 – Conversion of Existing Residential Dwellings

Policy HC3 – Community Facilities

Other policies/guidance

Hastings Local Plan Community Facilities Report December 2012

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 20 states that community facilities include health, education and cultural infrastructure.

Paragraph 83 notes community facilities as including local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 92 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 127 of the NPPF requires that decisions should ensure developments:

Function well;

Add to the overall quality of the area for the lifetime of that development;

Are visually attractive in terms of:

Layout

Architecture

Landscaping

Are sympathetic to local character/history whilst not preventing change or innovation;

Maintain a strong sense of place having regard to:

Building types

Materials

Arrangement of streets

Optimise the potential of the site to accommodate an appropriate number and mix of development;

Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 170 e) states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels noise pollution.

Paragraph 180 a) states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

National Planning Practice Guidance

When is noise relevant to planning?

Noise needs to be considered when development may create additional noise. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset.

Can noise override other planning concerns?

It can, where justified, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.

How can noise impacts be determined?

Decision making needs to take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

This would include identifying whether the overall effect of the noise exposure would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

What are the observed effect levels?

- Significant observed adverse effect level (SOAEL): This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level (LOAEL): this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level (NOEL): this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

How can it be established whether noise is likely to be a concern?

At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for

example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.

National Design Guide 2019

Paragraph 112

'Successful communities require a range of local services and facilities including schools, nurseries, workplaces, healthcare, spiritual, recreational, civic and commercial uses. These:

- represent the needs and aspirations of the existing and future local community, including all ages and abilities;
- support everyday life and encourage sustainable lifestyles;
- are convenient and within walking or cycling distance on accessible routes to local homes and other facilities; and
- are located to complement rather than conflict with neighbouring uses in terms of noise, servicing and ventilation.'

'Providing for Journeys on Foot' (2000), The Institute of Highways and Transportation

3. Consultation comments

Highways – No Objection

The Highway Authority initially raised an objection to the application on the basis of inadequate and inconsistent information submitted. Clarification and further information was required (7th May). Errors within the travel plan were corrected and a disabled parking space was removed however no further information was submitted to address the concerns regarding the parking arrangement. ESCC therefore repeated their request for either amended plans or a parking survey to see if the surrounding area has sufficient capacity (21st May). A Transport Statement was submitted which referred to a recent appeal decision and suggesting on the basis of this that a further parking survey was not required. ESCC Highways noted the Transport Statement advising that applications are dealt with on a case by case basis. Their objection and requested for a parking survey was repeated (17 July). A parking survey was undertaken mid-September and submitted on 18th September. ESCC

Highways noted that the parking survey and accompanying technical note demonstrate that there was sufficient capacity within the vicinity of the site to accommodate the required vehicles. As such, this addressed ESCC Highway's previous concerns and their comment changed to 'No Objection'. ESCC Highways did suggest that white line markings to TSR&GD 1026.1 should be considered in front of the site to allay safety concerns with waiting vehicles opposite the junction with Fernside Avenue. (Informative note no. 3)

ESCC Early Years Children Services – **No Objection**

Supports the application noting the need for early education places in the area and that the wards of West St Leonards and Maze Hill do not have any nursery provision. The response states, *'The majority of families also have no access to transport which becomes a barrier to accessing quality childcare for some of our most disadvantaged children. Consequently it is difficult for parents or carers to access training or employment to improve their skills, aspirations and opportunities to improve their economic status and life chances.'*

In response to a query regarding the distance of the Robsack Wood Day Nursery, 1.2 miles from the application site, and whether this realistically offers day nursery provision for local residents, ESCC Early Years responded as follows,

'Historically when planning early years places LA's, with guidance from Ofsted looked at what distance families could be expected to walk with very young children to access nursery provision and a mile was always the very upper limited. In reality most families will not walk that far and some families, since the nursery on the West St Leonards site closed have not accessed alternative provision.

The nursery in question was originally based on the West St Leonard Academies site and Robsack Wood is 1.5 miles away. The majority of families that attended the nursery on the West St Leonards school site were living south, south-east of the nursery's original site so the distance could be further. Robsack Wood serves a very different community.

The new venue the nursery is requesting planning permission still sits 1.2 miles from Robsack Wood.'

Environmental Health - Noise – **No Objection**

The initial Noise Report produced did not relate to the site and did not therefore provide a realistic or reasonable analysis of the impact of the day nursery on the neighbouring properties. A second Noise Report was submitted following which Environmental Health (EH) objected on a number of grounds including a failure to provide an accurate and comprehensive assessment of the potential noise impacts. A further Noise Report was submitted in an attempt to address the concerns raised by EH. However comprehensive analysis highlighted that the report was potentially inaccurate and not comprehensive and as such its findings could not be relied on. Further discussion between Environmental Health Officers and the applicant then followed and an Update Document was submitted. Based on these discussions and the Update Document, Environmental Health have no objection to the application subject to conditions (9, 10, 11, 12 and 13).

Refuse Storage – Leisure and Amenities - **No Objection**

4. Representations

In respect of this application a site notice was displayed to the front of the site. 90 letters of

representation have been received. Of these:

49 letters of support have been received from 46 different properties/organisations including Councillor Mike Turner, Councillor Karl Beaney and Early Years Fund Manager at Child Services ESCC.

39 letters of objection have been received from 24 different properties including Stagecoach South East.

2 comments have been received from Amber Rudd.

A Petition objecting to the proposed development has been received with 48 signatures.

A summary of the comments is listed below:

Letters of Support

- Looking forward to a new nursery
- Good Staff
- Good for and integral part of the community
- Beneficial for children's confidence
- No other day nurseries in West St Leonards which impacts on working arrangements of parents, particularly where they do not have a car
- Much needed pre-school education in the area
- Suitable premises and good location for nursery
- Supports working parents and development and growth of children, preparing them for school
- Traffic will not increase drastically noting that many families would walk to the nursery, location opposite junction will prevent parking by nursery as this would be contrary to law which states you cannot park within 10m of a junction
- Closest nurseries in Robsack and Battle
- The area is lovely quiet and there is parking
- Noise disturbance would mainly be at break times (an hour a day) and only let a small number of children out to play at one time. Children would only for half a day and as such noise level would not be high.
- Loss of employment for 5 practitioners with experience if nursery closed
- Housing development approved at the disused site of Grove School will substantially increase demand for nursery facilities in the area
- Benefits will outweigh the issues that might arise in granting permission

Letters of Objection

- Site opposite a very busy T junction. Following the opening of the Bexhill/Hastings link road, traffic on the road has increased at peak times. As such setting down, picking up, parking and crossing over the road would raise the risk of accidents
- Despite there being no nursery, why has this site been chosen given how busy the roads are.
- Parking cars on the junction will cause issues of visibility and there have been previous accidents at this junction
- Thursday and Friday mornings there are bin collections as well as a regular bus service.
- The Travel Plan submitted with the application states that the nursery intends to have 8 sessions with up to 28 children per day. Assuming one child per parent, this would potentially result in 28 additional cars, twice a day. As there is not sufficient parking on site to accommodate this, parents will have to park on the road, by a busy junction. At the same time many children are walking to and from school. This would cause highway safety issue and also delays for other car users, exacerbated by other residential development in the road. No objection to nursery, but rather to lack of off road parking, increased traffic and location close to junction and bus stop
- Site in question situation on dangerous bend in road with not good visibility, made worse should cars be parked outside
- Should refusal be given, the nursery operator will continue to find an alternative site and in doing so should find one more suited to this use
- The West St Leonards Children's Centre, Bexhill Road is likely to close down and it would be an ideal location for a nursery
- Why has Bexhill Road been removed from the catchment area identified in the Travel Plan, where shown in previous applications?
- The letters of support do not represent a balanced view of local residents as they relate to previous users of the nursery no community engagement has been carried out with local residents
- Those involved with the new nursery are not the same business as those involved with the old nursery
- The application form shows 0 employees
- The Travel Plan is flawed in that it is based on the old nursery which was co-located with the primary school and having an operating time between 9am and 3pm
- The Parking Survey Technical Note is flawed and is of limited value
- The nursery will operate 48 weeks of the year between 8am and 6pm and will attract those dropping of children by car
- The Travel Plan does not take account of additional visitors including prospective parents
- The number of parking spaces available has been over estimated
- Loss of a 5 bedroom family home would be contrary to Local Plan policy, the Council being in dire need of larger family houses and set a harmful precedent
- Since the applicant purchased the property, vehicles have parked regularly opposite the junction or just on the corner of Fernside Avenue reducing visibility and creating a hazardous situation
- Facts on Child Casualties 2015 states that the majority of child road deaths or serious

injuries take place in periods before or after school

- The driveway only fits one parking space and parents will not be able to use the garage parking and there is no turning space on site meaning cars will have to reverse out of the site cause highway hazard
- The Travel Plan is prepared by the applicant and is flawed, unachievable and unenforceable. The Nursery cannot compel its clients not to use the nursery nor can they prevent cars parking in a way that would block other driveways on the road. The Nursery cannot guarantee that staff will live locally or remain so.
- Drop off and pick up will not be quick as young children are involved and total of 52 car journeys would occur during the day, not including staff and deliveries
- A minibus has been seen parked at the premises frequently which will only add to the problem, the application does not provide details of this
- Statement from nursery manager that they cannot predict its usage / patterns therefore concern as to how drop off and collection will be staggered
- How will trade waste be dealt with
- Ofsted's website shows 9 alternative child care and early year providers less than half a mile from the postcode of the old nursery
- It would be better to build a purpose build nursery as part of the Grove Road development through a s103 agreement
- None of the supporters live in the area immediately surrounding the nursery
- Take offence at Cllr Turners comments that traffic disruption is a trivial issue
- Noise disturbance of people and cars will harm amenity of local residents by reason of noise
- Bus collection not suitable given age of children who need to be taken in nursery itself from the bus
- Noise disturbance from children playing outside with no mitigation to address this such as acoustic fences, play plan rotas and number of children playing in the rear garden at any one time
- The application should be withdrawn so that all these issues can be addressed
- Letter produced by Reeves Transport Planning dated 17th June 2019 states that the highway authority have not objected, this is incorrect
- The Travel Modal split has not been based on correct information
- Reeves Transport Planning refer to an appeal allowed for the operation of a nursery however there are key differences between the application site and that appeal site
- Parking on road arising from nursery, proximity to junction and location at a bend would have safety implications for the operation of Stage Coach bus service
- Other sites are available in the local area which are more suitable for accommodating the proposed use
- The Parking Survey (Technical Note) prepared by Reeves Transport Planning (RTP) is flawed and has limited value based
- Concern that the nursery can operate with less staff than the previous nursery location even though they are open for more hours
- Concern regarding the ability of the nursery to properly safeguard the children based on previous Ofsted reports
- Concern that there will actually be higher staffing levels than the application suggests

- Concern that the catchment area for the nursery will be wider than the application suggested, based on reports from Ofsted. The implication of this being that more people will drive than currently anticipated
- Applicant should not have been allowed to amend the application to the extent that they have

Petition

The petition raises issues already noted in the objection section above.

Neutral Comments

2 letters of representation have been received from MP Amber Rudd, the first supports the concept of a nursery within walking distance of the people it serves and provides an important service to the residents. The second letter clarifies her position in that her comments are neutral.

5. Background

The day nursery for which planning permission is now sought was previously located in the grounds of West St Leonards Primary School. It is understood that the operating hours of the nursery were 9am to 3pm, term time only.

The applicant has previously applied for planning permission for a Day Nursery at No. 2 Cavendish Avenue (HS/FA/18/00135). This application was withdrawn in May 2018 because during the course of the assessment, a separate offer was received and accepted for the property in question. A further application was submitted in respect of no. 49 Harley Shute Road (HS/FA/18/00636). That application was withdrawn in September 2018 following an objection from the Health and Safety Executive.

6. Determining issues

The main issues to be considered in assessing this application are, the principal of the proposed development, the loss of the existing residential use, the impact of the proposed use in terms of need/accessibility, highway safety, the character of the area and neighbouring residential amenities.

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) Loss of existing residential use

The proposal would result in the loss of one dwelling and as such Policy HC1 – Conversion of Existing Dwellings of the Hastings Development Management Local Plan (2015) is relevant. This policy states,

‘To support the provision of quality homes and dwelling mix, planning permission will be granted for the conversion of all or part of a dwelling to another use or into multiple dwellings, provided that;

- a.the building can no longer be retained in its entirety for single family housing occupancy;*
- b.it would not include significant extension(s) or significant changes to room layouts to achieve an adequate standard of accommodation;*
- c.it would not involve the self-containment of basement areas or other parts of any property having inadequate light or low ceilings or which would result in a poor outlook from main windows; and*
- d.it would make adequate provision for refuse storage.'*

The property is a 5 bedroom chalet bungalow and provides larger family accommodation in the borough. The need for larger family homes, to counterbalance the bias in stock towards smaller dwellings and flats is noted in paragraph 8.7 of the Hastings Planning Strategy Local Plan (2014). The property is in an attractive residential location, is a good sized property, well served by public transport, with off road parking and a bus stop nearby. As such there is no reason to justify its loss other than the importance of providing a new day nursery in a location which requires this important service. The weight attached to the need for the service is considered greater than the weight attached to the need to retain larger family housing stock. Therefore whilst the proposed development is not in accordance with Policy HC1, it is considered there are material reasons that justify this development when assessed against this policy.

c) Proposed use as day nursery

The day nursery is proposed to be phased with three sessions in the morning and three in the afternoon. So at 8.30am, 9am and 9.30am cars will be arriving at the property. From midday, 12.30pm and 1pm collections and drop offs will occur as these represent the end of one session and beginning of another. From 3pm, 3.30pm to 4pm cars will be arriving to collect children. It is also noted that the nursery provides additional care from 8am to 6pm, thereby extending the periods of car movement and its impact on neighbouring amenity.

Although the Hastings Local Plan Community Facilities Report December 2012 defines a community facility as

'any building available to local people for community purposes. This can include community centres, meeting rooms, youth centres and church halls. It does not include establishments solely providing education, healthcare or leisure services. ... Community facilities can also include shops, pubs, libraries and other services'

The subsequently published National Planning Policy Framework 2019 however makes clear at paragraph 20 that community facilities include education. A day nursery provides a level of pre-education, suitable for children of that age. It is therefore reasonable to have regard to Policy HC3 of the Hastings Development Management Local Plan (2015), which encourages the provision of community facilities subject to a number of provisions as follows:

That it is acceptable in terms of

- a) location,
- b) design,
- c) access and
- d) impact on the locality

That it is in general conformity with other policies of this Plan, in particular:

- DM1 and

- DM3

1a. Location

The Early Years Foundation Stage (EYFS) (March 2017) states that a requirement of day nurseries is that they provide outdoor play wherever possible or plan daily visits for the same purpose. It is clear therefore that residential dwellings are a good fit for child care of some form. This is because they often come with a garden, as opposed to an office or commercial premises and are located in amongst other residential properties, their potential customer, making their service easy to reach by customers. Their location in a residential area is not something therefore that should be resisted. The intensity to which the premises is proposed to be used however needs to be carefully considered, principally to ensure that no highway safety issues would arise and that both the character of the area and the neighbouring residential amenity are not harmfully affected.

The property is located on a bend in Fern Road and as such some concern has been raised that this restricts visibility. No similar concern has been raised by the Local Highway Authority. The bend in the road at this point is gentle and therefore reduced visibility is not considered to be substantial. The site is also located opposite the junction of Fern Road and Fernside Avenue. Letters of objection raise concern that the combination of the bend, the junction and the level of parked cars generated by the proposed use, would create a highway safety issue. Concern has also been raised by the bus provider, Stagecoach, that a day nursery and associated parking, will affect harmfully the operation of their service. Again on this point there has been no specific objection raised. ESCC Highways requested that either 10 parking spaces are provided on site or that a parking survey was undertaken to show sufficient parking on the road. A parking survey has been undertaken which has established there is sufficient parking available on the road. Following this survey, ESCC Highways Authority has removed their objection and as such despite some understandable points raised here by local residents, they are not sufficient to warrant a highways reason for refusal. Matters of highway safety are discussed later in this report at paragraph e).

1b. Design

The only external alterations proposed are to increase path widths to 1.2m, which will make the paths more accessible for customers and the erection of a 2m side boundary acoustic fence. The fence will be located in the rear garden of the site and is of a height that is not considered to be harmful to the neighbouring residential amenities in terms of outlook, loss of light or shadowing. The proposed changes are minimal and no harm is considered to arise in this respect.

1c. Access

The site is located close to a bus stop and is accessible by means of transport other than the private car. Sufficient street parking is able to support the use and as such access is considered acceptable on this point.

1d. Impact on Locality

Minimal external changes are proposed and as such there is no impact to the character of the area in this respect. The proposed change of use will however represent a change to the character of the area at certain times of day arising from the noise and disturbance of children playing in the garden and being dropped off and collected.

Specifically, the day nursery is proposed to be phased with three sessions in the morning and three in the afternoon. So at 8.30am, 9am and 9.30am cars will be arriving at the property. From just after 9.30am to midday there should be no traffic movement other than perhaps deliveries. From midday, 12.30pm and 1pm collections and drop offs will occur as these represent the end of one session and beginning of another. Then again there should be no associated traffic movement until 3pm. From 3pm, 3.30pm to 4pm cars will be arriving to collect children. It is also noted that the nursery provide additional care from 8am to 6pm thereby extending the periods of car movement and its impact on neighbouring amenity. Between 8 – 16 children are proposed to be in the rear garden at any one time, as well as 2 members of staff, from 9.30am to 11.30am and from 1pm to 4pm.

The applicant has stated that because of low car ownership in the area that many of their customers will walk to the nursery and this is considered a reasonable assumption. Therefore although there is potential for 28 cars to arrive at the start and end of each session, it is likely to be less than this. Children's Services also refer in their consultation response to low car ownership in the ward. As such even with the 6 sessions through the day, many of the parents will walk their children to and from the nursery rather than being driven. In addition, those parents with cars may still choose to walk. It is also reasonable that some parents will have to drop their children off by car on their way to work, for example.

Government guidance regarding noise, taken from the National Planning Practice Guidance (NPPG) can be found within the policy section earlier in this report. In summary, the Government categorise the impact of noise into three groups:

- NOEL – No observed effect level – meaning that development will not be harmful in terms of noise.
- LOAEL – Lowest observed adverse effect level - where there is an observed adverse effect and mitigation is suggested here.
- SOAEL – Significant observed adverse effect level – in this instance noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion. Quality of life is diminished due to change in acoustic character of the area. In such instances uses that cause this effect should be avoided.

The first Noise Assessment dated 7th July 2018 was not assessed because it related to the wrong site, titled 49 Harley Shute Road. An initial objection was raised by Environmental Health on this ground noting the site is a quiet residential area. An amended Noise Assessment dated 20th July 2019 was submitted. In their assessment, Environmental Health commented that, '*the calculated Rating Level significantly under-estimates the potential noise levels in the neighbouring gardens*' and concluded,

'The Environmental Noise Assessment submitted fails to provide an accurate and comprehensive assessment of the potential noise impacts of the proposed development. The report has relied solely on the methodology from BS 4142, which is not intended to assess noise from nursery children playing. Furthermore, the use of BS 4142 has not been justified in any detail with reference to planning policy, and additionally, other relevant guidance on noise has not been considered. Calculations used in the assessment presented have been carried out on an incorrect basis. ACCON [external consultants used by Environmental Health] would also expect some consideration of noise from vehicle movements associated with the nursery to have been included in the report, even if this was only on a qualitative basis.'

In response to this a revised Noise Assessment was produced which commented on traffic noise and at paragraph 2.7 notes that traffic caused by the development is unlikely to be significant and as such the noise from such also likely not to be significant. In the methodology section of the report (paragraph 6.1 and 6.2) it is acknowledged that the British standard used for rating and assessing noise (BS 4142) is not ideal and does not specifically relate to the proposed use.

The report states that, *'If we omit any of the adjustments applied to the BS 4142 analysis the arithmetic mean specific noise level at the assessment position is 54.5 dB LAeq. This is 4.5 dB-A above the recommended guideline level for noise to amenity space but 0.5 dB-A below the upper guideline value.'*

BS4142 states:

"A difference of around 10dB or higher indicates that complaints are likely.

A difference of around 5dB is of marginal significance.

A difference of - 10dB is a positive indication that complaints are unlikely."

Appendix C of the Noise Report equates the three NPPG noise levels - Significant observed adverse effect level, Lowest observed adverse effect level and No observed effect level the BS4142 guidance as follows:

- Complaints are likely (10db difference or higher) = Significant Observed Adverse Effect Level (SOAEL).
- b. Marginal significance (5dB difference) = Lowest Observed Adverse Effect Level (LOAEL)
- c. Complaints are unlikely (-10dB is a positive indication) = No Observed Effect Level (NOEL)

The NPPG advises that anything above the level of LOAEL would be harmful. The Noise Assessment concludes that the impact of the proposed development can be considered equal to the LOAEL.

A further assessment of the Noise Report was undertaken by Environmental Health, having previously identified with the Planning Officer, some possible errors. The assessment of that report concludes that the Noise Report 'fails to provide an accurate and comprehensive assessment of the potential noise impacts of the proposed development and therefore the conclusions of the report cannot be relied upon.' Environmental Health note that despite the use of two BS standards, neither are specifically designed for day nurseries. For example BS8233 is designed to provide guidance on sound insulation and noise reduction for buildings rather than assessing noise from an external source. Although BS 4142 intended use is to assess industrial and mechanical noise, it is clear the submitted Noise Report significantly underestimates the possible noise levels in the neighbouring gardens because of the inclusion of inappropriate corrections factors. The distance correction applied to reflect a loss of sound between source and receptor is overestimated. In addition, a penalty for the tonality of outdoor play should be added, thus increasing the potential noise over the existing background levels. Without the distance correction and a tonal penalty there would be a significant adverse impact on neighbouring properties.

The Noise Report compared the predicted noise levels against the BS8233 guidelines. Without any of the aforementioned correction factors, the predicted noise level (54.5dB) is,

although within guidelines, at the upper limit (50-55 dB). Environmental Health consultation response raised concern that the Noise Report was potentially inaccurate and not comprehensive. As such there was further discussion between the Environmental Health team and the Environmental Health Consultant working for the applicant. This discussion agreed a methodology and an Update Document was subsequently submitted by the applicant, which set out the specifications for the acoustic fence. Amended plans have also been received to show the location of the acoustic fence in the rear garden, along both side boundaries. On this basis Environmental Health have withdrawn their objection and recommend approval subject to a number of conditions (9, 10, 11, 12 and 13). Based on this revised response and the predicted noise levels, with an acoustic barrier, it is considered that the noise level would not be above the LOAEL and therefore, in accordance with the NPPG would not cause adverse effects on health and quality of life. As such the application is considered to be in keeping with Policy DM6 of the Hastings Borough Development Management Local Plan (2015).

Points 2a and b of Policy HC3 relate to a requirement for compliance with relevant local plan policies, particularly identifying Policies DM1 and DM3 which deal with design principals and general amenity. For reasons set out above the proposed development is considered to be in keeping with both these policies.

In considering the impact on locality, letters of representation have been submitted which identify the following premises currently or recently available in the local area which, it is suggested, are more suitable for such a use. These sites are listed below:

- a. 49 Essenden Road (former doctors surgery)
 - 2 x Unspecified property on Harley Shute Road
 - 2 x Unspecified property on Bexhill Road

In respect of properties on Harley Shute Road and Bexhill Road it is agreed that the background noise level is likely to be higher than the application site and consequently the change in noise levels arising from the proposed use and the impact on neighbouring residential amenities likely to be less severe than the application site. It would also appear from the details submitted that the sites have more on-site parking available than the application site. The purpose of this application, however, is not to assess the suitability of the proposed use at other sites and it is not clear whether these sites are located adjacent to existing residential properties. Details of the sites can be found on line as part of the representations submitted.

d) Impact on character and appearance of area

The proposed development will make minimal alterations to the premises and as such the character of the area is not considered to be harmed in this respect. The use as a nursery and associated noise and disturbance is considered to change the more tranquil and quiet nature of the area, particularly as experienced from the rear garden of neighbouring properties, but not to an unacceptable level. This matter is fully discussed above.

e) Accessibility/Highway Safety

The Institute of Highways and Transportation sets out acceptable walking distances in their guidance 'Providing for Journeys on Foot' (2000). At table 3.2 of that document it notes that for commuting and schools a desirable walking distance would be 500m, an acceptable walking distance would be 1000m and a preferred maximum walking distance would be 2000m. The ESCC Early Years Service has advised that for young children a mile or 1,600m is the upper limit as a suitable walking distance. As the Robsack Wood Community Primary

School is located approximately 1.2m from the Fern Road site, this would mean that for some of the households, they could indeed walk to Robsack Primary School. However, for many other households located in the catchment area of the Fern Road site, residents could not be reasonably expected to walk the Robsack Wood Community Primary School. It is clear therefore that whilst there are alternative day nursery's in the wider area, they are not sufficiently close to accommodate the need that the application now proposed would meet.

The site is accessible by road however its location is not ideal, noting the width of the road, parking on the road and the bus route all of which can at times cause some congestion at certain points of the day. So much so in fact that Stage Coach have written to object to the application. Despite this, the ESCC Highway Officer does not object to the application on these points. The ESCC Highways Officer notes that 10 parking spaces are required for the proposed use. 3 spaces are available on site, leaving a further 7 to be found elsewhere. The Highways Officer therefore requested a parking survey to demonstrate whether or not there was sufficient parking available in the road. The survey was carried out in September 2019 and concludes that there is sufficient parking available on the road. The Highways Officer accepts the findings of this Parking Survey and as such has withdrawn his objection. Therefore it is considered that the site and local road network is capable of supporting the proposed use and the site is considered accessible by means of private car.

Finally a bus stop is located a short distance from the site (50m) which means the site is accessible by means of public transport.

Following further queries raised within letters of objection regarding street parking and the Parking Survey Technical Note, the ESCC Highway Officer provided an additional response, clarifying their 'No Objection' as follows:

'I am satisfied that the results of the parking survey and the likely staggered drop off and collection times will not lead to a severe impact on the network particularly as parents/carers will only be stopping for a short time. The location of the nursery close to the junction is not ideal, but it looks like there is adequate forward visibility (due to wide verges and footways) which would reduce vehicle conflict.

I note the residents' comments in relation to differences in TRICS trip rates and those of the transport consultant along with residents' view that traffic flows are high in the area. Although Fern Road and Fernside Avenue link Gilsmans Hill and Harley Shute Road I do not consider Fern Road to be highly trafficked no more so than other similar residential streets so I do not believe the increase associated with a nursery will severely affect its operation.

The applicant's case is based on current staff and parents journey choices which of course could change, but I do not consider that mode changes for a handful of staff or 28 children will lead to dramatic changes. Most families want nearby childcare hence the high level of walking.

The Travel Plan will further manage the vehicle trips to the site. The applicants appear committed to staggered arrival and departure times (whereby parking will only be required for a short time) and to the use of active modes (through the provision of bikes and scooters etc.) The Travel Plan should be secured by condition. A staff member could be tasked with ensuring parent's park sensibly as part of the Travel Plan.' (see informative note 4).

The application is therefore considered acceptable in this respect.

f) Waste

The proposed plans show an area for the storage of wheeled bins in the rear garden,

separated from the children's play area. The wheeled bins will be moved from the rear to front garden on collection day. No objections are raised by Leisure and Amenities in this respect. Condition 4 secures the requirement for a bin store, as shown in the approved plans. The application is therefore considered acceptable in this respect.

g) Environmental Impact Assessment

Development does not fall in Schedule 2 and is not in a sensitive area

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

7. Local finance considerations

It is understood that the operation of a day nursery will be subject to funding from Central Government in part, in accordance with consultation comments received from the ESCC Early Years Service.

8. Evidence of community involvement

None undertaken

9. Conclusion

The provision of a day nursery to support pre-education services in the locality is welcomed. It is considered that the proposed day nursery whilst bringing change to the immediate locality in terms of car movements and noise and disturbance, will not be to a level which is unacceptable or contrary to local plan policy.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

10. 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:

1433AH E 001 Existing plans
1433AH SL 001 Site Location and Block Plan
1433AH P 001 V4 Proposed floor plan
1433AH P 004 Existing and Proposed Garden Fence Elevations
3. 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.
4. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for that purpose.
5. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and shall thereafter be retained for that use and shall not be used for any purpose other than the parking of vehicles.
6. The development shall not be occupied until a cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
7. A comprehensive Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority. The approved use shall operate in accordance with the approved Travel Plan.

8. Details of the enclosures, including elevations, of the bin, buggy and bicycle store shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby approved. The approved enclosures, including elevations, of the bin, buggy and bicycle store, shall be erected prior to the commencement of the use hereby approved.
9. Details of the specification of an acoustic fence shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby approved.
10. Prior to the commencement of the use hereby approved, an acoustic fence shall be erected in accordance with the specifications required by condition 9. The acoustic fence shall be erected on both side boundaries of the rear garden in accordance with the plans hereby approved and thereafter retained and maintained. Should the fence be damaged for any reason, it should be replaced within two months from the date the damage occurred.
11. No more than 12 children shall be allowed in the garden at any one time
12. Children shall be allowed in the garden only between the hours of 09:00 – 12:00 hrs and 14:00 – 16:00 hrs Monday to Friday for not more than an aggregate of 4 hours each day.
13. No amplified music or musical instrument shall be played or used outside. Any amplified music or musical instrument played or used inside the premises should not be audible in the outdoor areas.
14. No more than 28 children shall attend the day nursery at any one time, whether in the house or garden (this does not include pick up and drop off where there is likely to be an overlap).

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 safeguard the amenity of adjoining residents.
4. In order to secure a well planned development
5. To ensure an adequate level of off-street parking to serve the development and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

7. To encourage and promote sustainable transport.
8. To secure a well planned development
9. In order to protect neighbouring residential amenity.
10. In order to protect neighbouring residential amenity
11. In order to protect neighbouring residential amenity
12. In order to protect neighbouring residential amenity
13. In order to protect neighbouring residential amenity
14. In order to protect neighbouring residential amenity

Notes to the Applicant

1. 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 paragraph 38 of the National Planning Policy Framework.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. The applicant is advised that the painting of white line markings to the front of the site will allay safety concerns regarding waiting vehicles opposite the junction with Fernside Avenue. If the applicant wishes to pursue this then an application for a license should be made to East Sussex County Council.
4. The applicant is advised that a staff member should be present to supervise drop off and collection times to ensure that parent's park sensibly as part of the Travel Plan.

Officer to Contact

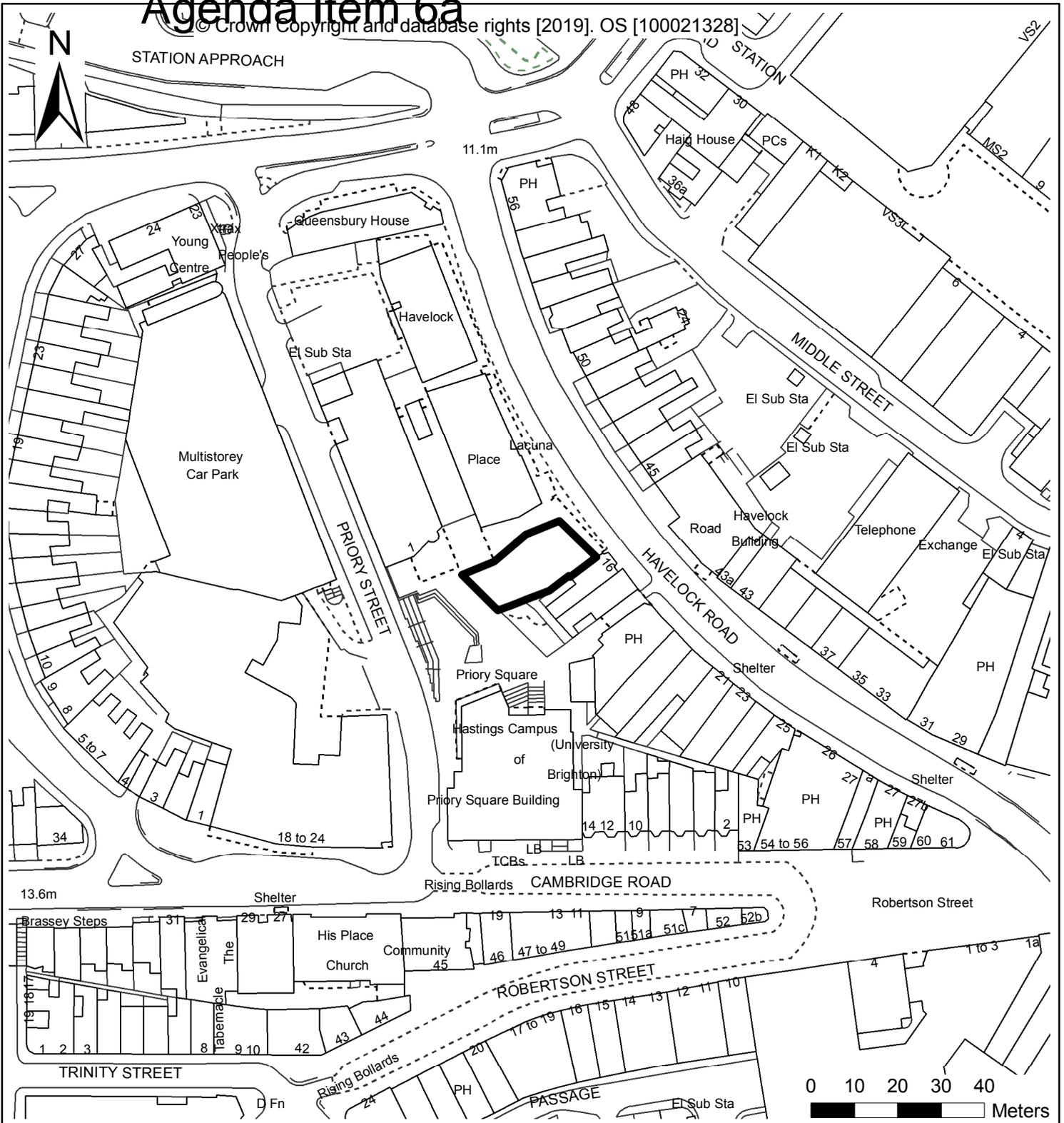
Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/19/00266 including all letters and documents

Agenda Item 6a

© Crown Copyright and database rights [2019]. OS [100021328]



Shop and Premises LHS
Lacuna Place, Havelock Road
Hastings
TN34 1BP

The proposal is for the change of use to the vacant ground floor unit of Lacuna Place to a flexible A1, A2, A3, A5, B1, D1, and D2 use.



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
 email: planning@hastings.gov.uk

Date: Dec 2019

Scale: 1:1,250

Application No. HS/FA/19/00814

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 19 December 2019

Report from: Assistant Director of Housing and Built Environment

Application address: **Shop and Premises LHS, Lacuna Place,
Havelock Road, Hastings, TN34 1BG**

Proposal: **The proposal is for the change of use to the
vacant ground floor unit of Lacuna Place to a
flexible A1, A2, A3, A5, B1, D1, and D2 use.**

Application No: **HS/FA/19/00814**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018
Conservation Area: Yes - Hastings Town Centre
Listed Building: No

Applicant: Hastings Borough Council C/O Agent per SHW 69
Park Lane Croydon CR0 1BY

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

The site comprises a vacant unit on the ground floor of a commercial building - Lacuna Place, located in Hastings Town Centre.

The unit is located on the west side of Havelock Road but is also accessible from Priory Street. Havelock Road as a whole is predominately made up of commercial uses at ground floor level, with ancillary office space, storage or residential above, although the former University of Brighton building (now unoccupied) is sited opposite.

Lacuna Place itself is of a modern design, although the ground floor unit, the subject of this application has never been occupied and is currently covered by hoarding. This has been left to deteriorate and has been subject to graffiti which has a negative impact on the street scene, and the character and appearance of the Conservation Area.

The application site lies within the Academic Cultural Quarter as defined by the Hastings Development Management Plan 2015, as well as the Hastings Town Centre Conservation Area.

Constraints

- Archaeological Notification Area
- Area at risk of surface water flooding
- Area at risk of ground water flooding
- Academic Cultural Quarter
- Hastings Town Centre Conservation Area

2. Proposed development

This application proposes to provide a flexible use for the vacant shop unit, in order to optimise the unit's marketability and secure occupancy for the future. The application seeks authorisation for the following uses, as defined by the Town and Country Planning (Use Classes) (England) Order 1987 (as amended):

- A1 (Shops)
- A2 (Financial and professional services)
- A3 (Restaurants and cafes)
- A5 (Hot food takeaways)
- B1 (Office)
- D1 (Non-residential institutions)
- D2 (Assembly and leisure)

No external alterations are proposed as part of this proposal. A separate application is however, also being considered at Planning Committee to replace the existing hoarding with glazed panelling to front, side and rear elevations, with the creation of a new access door.

The application is supported by the following documents:

- Planning Statement (SHW, October 2019)

Relevant planning history

HS/FA/19/00664 Removal of hoarding to be replaced with full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to front, 1 x glazed bi-parting door to side and creation of new access door to rear elevation
AWAITING DETERMINATION

HS/FA/06/00307 The demolition of 11, 12 and 13-15 Havelock Road and the redevelopment of these and the adjoining vacant sites to provide two buildings: both designated for business use (class B1); with the ground floor to Priory Street designated as retail and or business (class A1/A2/A3 &/or B1) and the ground floor to Havelock Road designated

as retail (class A1/A2 &/or A3); and with basement car parking.
(Revision to scheme approved under reference HS/FA/05/00664)
GRANTED 21 June 2006

HS/FA/05/00664 Redevelopment of 11, 12 and 13-15 Havelock Road and the adjoining vacant sites to provide two buildings; one designated for business use (Class B1); one designated for educational use (Class D1) with retail at ground floor (Class A1/A2 and/or A3); and with basement car parking. (Application HS/CA/05/00663 for the demolition of 11, 12 and 13-15 Havelock Road also applies)
GRANTED 1 February 2006

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 SC7 - Flood Risk
Policy EN1 - Built and Historic Environment
Policy E3 - Town, District and Local Centres

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 SA4 - Drinking Establishments and Hot Food Take-Aways
Policy CQ1 - Cultural Quarters

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

Hastings Borough Council (Licensing) - **no objection**

Will require a separate Licensing Act application, should the implemented use include matters covered by that legislation

Hastings Borough Council (Environmental Health) - **no objection subject to conditions**

Require conditions to protect amenities of neighbouring properties with regard to the proposed D2 and A3 uses (3 and 4)

Hastings Borough Council (Planning Policy) – **no objection**

Considers the proposal to be complementary to the Town Centre shopping area, in line with Policy E3 of the Hastings Planning Strategy.

4. Representations

2 site notes were displayed at the site, 1 on each of the Havelock Road and Priory Square frontages. No representations were received.

5. Planning and legislative background

Planning permission was granted in 2006 under reference HS/FA/06/00307 (a variation of HS/FA/05/00664) for the erection of two new buildings for B1 use at upper levels, with flexible commercial uses of A1, A2 or A3 fronting Havelock Road, and A1, A2, A3 or B1 fronting Priory Square. The unit in question as part of this application therefore currently has permission for an A1, A2, A3 or B1 use, although it has remained vacant since construction.

For clarity, these uses are described as follows:

- A1 - shops
- A2 – financial and professional services
- A3 – restaurants and cafes
- B1 - office

Schedule 2, Part 3, Class V of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows for some changes of use from existing authorised uses, to alternative uses, which would have been specifically authorised when granted. In reality this means that through permitted development rights, the authorised A1, A2, A3 or B1 use of the application site, could legitimately change to any other use if allowed by the GPDO, subject to a number of conditions.

In this case, there are no permitted development rights to change from any of the other uses to A5 (hot food takeaways) or D2 (assembly and leisure) uses, and as such, a further flexible permission is required, should these uses be proposed in the future.

The grant of planning permission for a flexible use will enable any of the proposed uses to be implemented, or changed to, within a 10 year period.

6. Determining issues

The application proposes a variety of uses for the premises, to allow for flexible occupation in the future. The granting of an application for flexible use allows the premises to change from one approved flexible use to another without applying for a future planning application within a 10 year period. It is therefore important that this report assesses the suitability of all uses for the premises, in light of its location, surroundings and impact on amenity. No external alterations are being considered as part of this application and as such, the impact on the character and appearance of the area does not need to be considered.

The premises is not sited within the licensing saturation zone, which restricts the numbers of licensed premises that are operating in a defined area. Therefore, there are no concerns regarding over concentration of licensed premises. However, if uses are pursued that require a license under the Licensing Act 2003, this will be subject to a separate licensing application process.

a) 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 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with excellent access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

b) Loss of existing use

This application relates to a ground floor commercial unit in an occupied office building. The 2006 consent for the entire building, which included a flexible use of A1, A2, A3 or B1 was never implemented at ground floor level due to lack of interest in the unit. All of these uses are proposed in this new flexible use application, and as such, the commercial ground floor element is being retained. No objection is therefore raised with the loss of the existing flexible use.

c) Proposed new use

As several uses are proposed for this application, the potential impacts of each will be considered in turn below. It is important to note that the application site does not fall within the primary shopping area as defined by the Hastings Local Plan Policies Map, so A1 uses do not need to be the primary focus in this area.

It is also important to recognise that 'main town centre uses' are defined by the National Planning Policy Framework (NPPF) and include the followings:

- Retail development
- Leisure
- Entertainment
- Cinema
- Restaurants
- Bars and pubs
- Nightclubs
- Casinos
- Health and fitness centre
- Bingo halls
- Offices
- Arts culture and tourism development

Every use applied for in this application for flexible use, is shown as an appropriate town centre use, as defined by the NPPF.

A1 (shops)

The application site faces out on to both Havelock Road and Priory Square. Havelock Road at ground floor level is well populated with retail units, offices falling within Class A2, and public houses. The site is located in Hastings Town Centre, and as such, an additional A1 use would complement the nearby primary shopping area by improving its vitality and viability, in accordance with Policy E3 of the Hastings Planning Strategy 2014.

In addition, a new retail use will be in accordance with Policy FA2 of the Hastings Planning Strategy (Strategy for Hastings Town Centre), in that it would promote competitiveness in terms of the range and type of shops operating in the area.

A2 (Financial and professional services)

Similar to the assessment for A1 (shops above), the area is characterised by such commercial uses in this part of the town centre. A further A2 use would complement the business aims of Policy FA3 of the Hastings Planning Strategy, in recognition of their contribution to the cultural quarter

A3 (Restaurants and cafes)

An A3 use in this location also formed part of the original consent for the Lacuna Place development, and as such, the principle of this has previously been agreed. An A3 use in the form of a restaurant or café would increase footfall in this part of the town centre, encouraging further use in the evening when the offices and shops have closed for the day. This contributes to the aims of Policy CQ1 of the Development Management Plan which seeks to support development that will assist the further expansion of their role of centres for

leisure and business activities, will contribute to the mix and diversity of uses and the potential to enhance their attraction to visitors, and improve the vitality of the area.

A5 (Hot food takeaways)

A proposed A5 use in this location would not be out of keeping with the surrounding area. Similar to the proposed A3 use, it is likely that a hot food takeaway would increase footfall in this part of the town centre, encouraging further use in the evening when the offices and shops have closed for the day. This contributes to the aims of Policy CQ1 of the Development Management Plan which seeks to support development that will assist the further expansion of their role of centres for leisure and business activities, will contribute to the mix and diversity of uses and the potential to enhance their attraction to visitors, and improve the vitality of the area.

Subject to condition 3 ensuring adequate noise and odour control, the proposal is considered to accord with the requirements of Policy SA4 of the Hastings Development Management Plan, and is suitable in this central and accessible location.

B1 (Business)

A proposed business use would provide a continuation of the use of the remainder of the building, which is not out of keeping with the commercial nature of the area. Whilst it is acknowledged that the application site lies on the boundary of the Priory Quarter site allocation in the Development Management Plan, it is clear that any development should be considered in the context of this wider area, given the new build developments that took place as a collective. Additional employment space in this location would therefore meet the aims of Policy DS2 of the Hastings Planning Strategy in that it would continue development of new office based opportunities at Priory Quarter in Hastings Town Centre. Business use in this location is therefore supported, in recognition of its contribution to employment growth in the town centre.

D1 (Non-residential institutions)

D1 uses were not included at ground floor level in the original consent for the building, and as such, the principle for this has not yet been established.

A D1 use could contain (amongst other uses) any of the following

- Medical or health services
- Day centre, crèche, day nursery
- Arts display
- Museum
- Public library
- Public hall
- Exhibition hall
- Public worship or religious instruction facilities
- Law courts

Given the size of the unit in question, it is unlikely that the premises would be suitable for a crèche or nursery use, a museum, exhibition/public hall or law courts. The most appropriate use is likely to be for arts or cultural development, which strongly ties in with the vision for Cultural Quarters in the town, and provides diversity of uses to encourage vitality and viability. However, all of the D1 uses listed above are considered acceptable, subject to conditions (3, 4 and 5).

D2 (Assembly and leisure)

D2 uses were not included within the original consent for the building at ground floor level, and as such, the principle for this has not yet been established. A D2 use could comprise of a cinema, a concert hall, bingo hall or another area for indoor sport or recreation, not involving motorised vehicles.

As stated above, the floor area will restrict the types of uses that can be accommodated. However, leisure uses such as these are appropriate town centre uses as defined by the NPPF. A D2 use is therefore considered to contribute positively to Policy CQ1 of the Development Management Plan, which seeks to support development that will assist the further expansion of their role of centres for leisure and business activities, will contribute to the mix and diversity of uses and the potential to enhance their attraction to visitors, and improve the vitality of the area.

d) Impact on neighbouring residential amenities

The application premises are at ground floor level in a purpose built building, with offices occupying the floors above. To the north and west of the unit is open space, with commercial uses opposite, and adjacent to the south. Taking this relative isolation from residential properties immediately adjacent or above, it is unlikely that residential amenities would be harmed from the proposed A1, A2, B1 or D1 uses.

Should the A3, A5 or D2 uses be implemented, it will be necessary to fully consider opening hours to ensure that any nearby residents will not be unduly affected by potential noise disturbance. As the future use of the building is not yet known, the applicant will be required to submit opening hours for approval prior to occupation of the premises (condition 5).

Similarly, any external ducting equipment will be conditioned to ensure effective management of noise and smells should extraction be required to facilitate the selected use (condition 3).

e) Highway safety/parking

The wider redevelopment of Lacuna Place provided 33 on site parking spaces at lower ground floor level, based on extensive parking research. This provision was accepted by the Highway Authority at that time, given the sites location directly in the town centre, in extremely close proximity to Hastings Railway Station, Priory Street car park and Station Plaza car park.

As previously stated, the original consent took into consideration the provision of alternative commercial uses at ground floor level, with the exception of A5 (hot food takeaways), D1 (non-residential institutions) and D2 (assembly and leisure) uses. The traffic generated by these uses is not considered to significantly increase, particularly given the restricted size of the unit in terms of its suitability for high intensity uses such as cinemas and concert halls. The availability of off site parking and public transport connections is considered to be acceptable to provide for the proposed flexible use in this instance.

Similarly cycle parking has been included in the original consent, and as such, does not need to be reconsidered here for the same reasons.

f) Waste

Bin storage for the building is provided at lower ground floor level, with details approved under HS/FA/06/00307. As no new floorspace is being created and a commercial use was included within the original consent, it is not considered that further details of waste storage are required in this instance.

g) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

7. Conclusion

The proposed flexible use will help ensure the long term vacancy of the building is addressed, and a viable use occupies the building. This will help to regenerate the Priory Square area, making it more attractive to encourage the envisaged Priory Quarter development, contributing to the aims of the Local Plan to encourage vitality and viability of the town centre, and contribute positively to the defined cultural quarter.

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.

8. 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:

Site location plan, 101 & 201
3. The building shall not be occupied or brought into use until details of the sound insulation or odour control system (if required) have been submitted to, and approved in writing by the local Planning Authority. 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. Any sound insulation or odour control system must be maintained according to manufacturer's instructions.

Should the use of the premises change from one of the approved flexible uses to another approved flexible use, further details of sound insulation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that use. These approved details shall then be implemented prior to the commencement of the proposed flexible use and thereafter maintained to an acceptable standard.

4. Any noise and music emanating from the premises or vibration transmitted through the structure of the premises, should not give rise to a nuisance at any noise sensitive premises from opening until close. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and noise arising from customers in the premises.
5. Prior to occupation of the first implemented use, opening hours must be submitted to and approved in writing by the Local Planning Authority.

Should the use of the premises change from one of the approved flexible uses to another approved flexible use, further details of proposed opening hours shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that use. The approved hours shall therefore be implemented and retained thereafter, following occupation.

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 nearby residents.
5. To safeguard the amenity of adjoining and future 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 paragraph 38 of the National Planning Policy Framework.

3. The Health and Safety at Work Etc. Act 1974 will apply.
4. The Food Safety Act 1990 will apply.
5. The applicant is advised that should subsequent use of the premises include matters covered by the Licensing Act 2003 a separate application will need to be made to licensing and advertised publically for 28 days.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

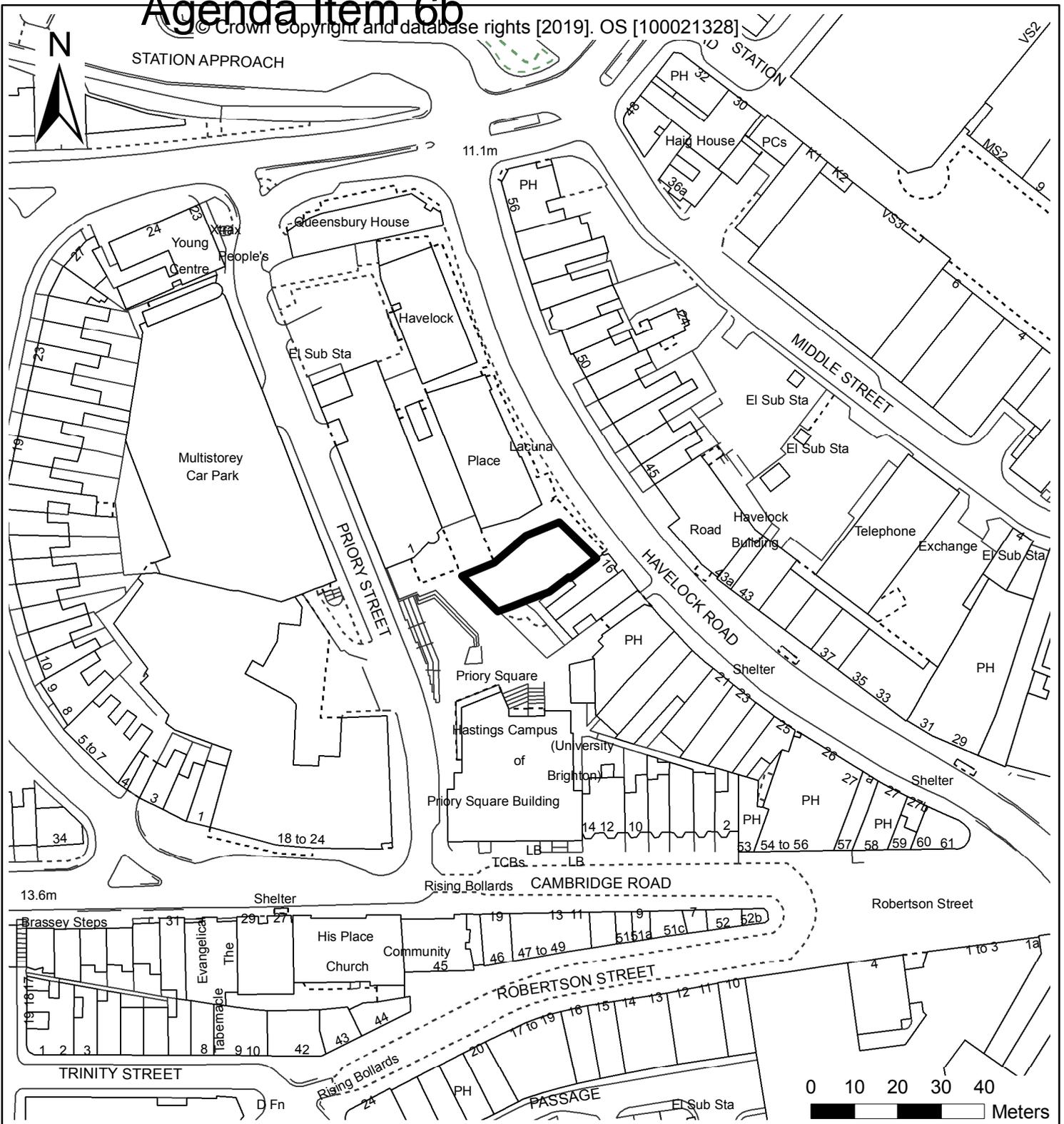
Background Papers

Application No: HS/FA/19/00814 including all letters and documents

This page is intentionally left blank

Agenda Item 6b

© Crown Copyright and database rights [2019]. OS [100021328]



Shop and Premises LHS
Lacuna Place, Havelock Road
Hastings
TN34 1BP

Removal of hoarding to be replaced with full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to front, 1 x glazed bi-parting door to side and creation of new access door to rear elevation



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
 email: planning@hastings.gov.uk

Date: Dec 2019

Scale: 1:1,250

Application No. HS/FA/19/00664

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE
Date of Meeting: 19 December 2019
Report from: Assistant Director of Housing and Built Environment

Application address: **Shop and Premises LHS, Lacuna Place,
Havelock Road, Hastings, TN34 1BP**

Proposal: **Removal of hoarding to be replaced with full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to front, 1 x glazed bi-parting door to side and creation of new access door to rear elevation**

Application No: **HS/FA/19/00664**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018
Conservation Area: Yes - Hastings Town Centre
Listed Building: No

Applicant: Hastings Borough Council per SHW 69 Park Lane
Croydon Surrey, Croydon. CR01BY

Public Consultation

Site notice: Yes
Press advertisement: Yes - Conservation Area
People objecting: 0
Petitions of objection received: 0
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

This application refers to a ground floor unit, which is approximately 292 metres squared, set within a commercial building whereby the upper floors are used as office space. The unit is located on the West side of Havelock Road but is also accessible from Priory Street. The West side of Havelock road is predominately commercial and office space, with some residential dwellings above towards the southern end of the road. Opposite the application site are 4 storey buildings used as commercial/offices, residential and the now vacant University of Brighton building.

The building itself is of a modern design, however at present there is no shop frontage to the ground floor unit, with the frontage of the unit currently being covered by hoarding. This hoarding is currently in poor condition and has been subject to graffiti which has a negative impact on the street scene, and the character and appearance of the Conservation Area.

The application site lies within the Academic Cultural Quarter as defined by the Hastings Development Management Plan 2015, as well as the Hastings Town Centre Conservation Area.

Constraints

- Archaeological notification area
- Academic Cultural Quarter
- Conservation Area - Hastings town centre
- Risk of surface water flooding
- Risk of ground water flooding

2. Proposed development

This application is seeking planning permission to remove the current hoarding and erect full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to the front (Havelock Road), 1 x glazed bi-parting door to the side and creation of new access door to the rear elevation.

The application is supported by the following documents:

- Planning Statement
- Heritage Statement

Relevant planning history

HS/FA/19/00814	The proposal is for the change of use to the vacant ground floor unit of Lacuna Place to a flexible A1, A2, A3, A5, B1, D1, and D2 use. Awaiting determination.
HS/FA/06/00307	The demolition of 11, 12 and 13-15 Havelock Road and the redevelopment of these and the adjoining vacant sites to provide two buildings: both designated for business use (class B1); with the ground floor to Prioory Street designated as retail and or business (class A1/A2/A3 &/or B1) and the ground floor to Havelock Road designated as retail (class A1/A2 &/or A3); and with basement car parking. (Revision to scheme approved under reference HS/FA/05/00664) GRANTED 21 June 2006
HS/FA/05/00664	Redevelopment of 11, 12 and 13-15 Havelock Road and the adjoining vacant sites to provide two buildings; one designated for business use (Class B1); one designated for educational use (Class D1) with retail at ground floor (Class A1/A2 and/or A3); and with basement car parking. (Application HS/CA/05/00663 for the demolition of 11, 12 and 13-15 Havelock Road also applies) GRANTED 1 February 2006

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

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)

Other policies/guidance

National Design Guide

Supplementary Planning Document - Shopfronts and Advertisements

National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 193 states: 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

Paragraph 195 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states: 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, where appropriate, securing its optimum viable use.

Paragraph 197 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 202 states: "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

With regards to this application the following consultations were undertaken:

Hastings Borough Council Conservation Officer – No objection subject to conditions

The shop front is situated to the ground floor of a relatively modern building. The building design is, though, reflective of the vertical emphasis and bay form of the Victorian terraces that it replaced, which helps it to assimilate into the street scene. As this is a modern building, I have no objection to the proposal to install a simple, slim section, aluminium framed, largely glazed shop front, as I consider this to be in keeping with the style of the host building. Also, the existing shop hoarding detracts from the character of the street scene, being in poor condition and attracting graffiti. The hoarding also gives the site a dead frontage. Opening up the new shop front to view will enliven the street scene and remove the eyesore of the existing hoardings. I can confirm that I have no objection to the proposed new shop front. I consider that it is in keeping with the character of the modern host building. It will also be an appropriate addition to this part of the Conservation Area, as it is of an appropriate quality of design, and suitable materials, for the site. The development will not harm the significance of the Town Centre Conservation Area. It therefore complies with the requirements of the NPPF in respect of the need to conserve heritage assets, and it also meets adopted local plan Policies EN1, HN1 and HN2. The development is also acceptable under the adopted SPD: Shopfronts and Advertisements.

Suggested condition

Prior to the commencement of development, samples of the proposed materials shall be submitted to the Local Planning Authority for approval. The samples submitted shall clearly show the proposed materials, colours and finishes of the shop front frame, glazing (if this is not clear, uncoloured glass), stall riser (if this is new) and window heads. These samples shall be accompanied by full written details of the relevant materials, finishes and colours. Thereafter, all development shall be carried out in accordance with the approved material samples.

Reason

To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

4. Representations

In respect of this application site notices were displayed outside the property on Havelock Road and Priory Street, and an advert placed in the local paper. No responses were received.

5. Determining issues

The main issues to consider are the impact on character and appearance of the Conservation Area and the impact on neighbouring residential amenities.

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 the Conservation Area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, 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: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

Policy EN1 of the Hastings Local Plan – Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (b) Conservation Areas. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it. As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas, in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

The Hastings Borough Council Conservation Officer was consulted on this application and raises no objections subject to conditions. The applicant must submit samples and full written details of proposed materials, which clearly show the type of materials, colours and finishes of the shop front frame, stall riser and window head to be used, prior to commencement of any development and these must be approved by the Council. In addition, the proposal does not include any form of advertising, as such any new advertisements would be the subject of a separate application, if advertisement consent is required.

The proposed works, subject to subsequent discharge of conditions, are therefore considered acceptable in this respect and are in agreement with Policy DM1 and HN1 of the Hastings Local Plan - Development Management Plan (2015), and Policy EN1 of the Hastings Local Plan – Planning Strategy (2014).

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties

Only the front elevation, facing onto Havelock Road, presents any view onto neighbouring residential properties, with the side elevation presenting only a view within the enclosed passage leading from Havelock Road to Priory Street, with the rear elevation presenting views on to Priory Street where there are no residential properties. It is considered that this frontage, facing Havelock Road, faces the public realm and as such any views which may be possible from within the proposed is also present from the public realm.

It is therefore not considered the proposed, by means of its scale, siting and frontage orientation, will have any negative impact on the neighbouring properties in terms of overshadowing, loss of daylight, privacy or outlook.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Constraints - Ground and surface water flooding

Given that the proposed will not see an increase of hardstanding, the impact in terms of ground or surface water flooding is considered to be negligible. No further action is therefore required in this respect.

e) Constraints - Archaeological notification area

Given that the proposed does not include any excavation or ground works, the impact with regards to the Archaeological notification area is considered to be immaterial. No further action is therefore required in this respect.

6. Conclusion

The proposed is considered appropriate for this location and would not cause harm to the character or appearance of the Conservation Area, subject to the discharge of condition, and would not harm residential amenities.

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. 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:

101, 102, 103, 201, 202, 203, 301, & 302
3. 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.
4. Prior to the commencement of development, samples of the proposed materials shall be submitted to the Local Planning Authority for approval. The samples submitted shall clearly show the proposed materials, colours and finishes of the shop front frame, glazing (if this is not clear, uncoloured glass), stall riser (if this is new) and window heads. These samples shall be accompanied by full written details of the relevant materials, finishes and colours. Thereafter, all development shall be carried out in accordance with the approved material samples.

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 safeguard the amenity of adjoining residents.
4. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

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 paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Mr G Fownes, Telephone 01424 783250

Background Papers

Application No: HS/FA/19/00664 including all letters and documents

This page is intentionally left blank

Agenda Item 7

Agenda Item:

Report to:	Planning Committee
Date:	19th December 2019
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 01/11/2019 to 06/12/2019
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Fishponds View, Barley Lane, Hastings, HS/FA/19/00024	Redevelopment of stable building to provide ancillary living unit/holiday let	Refuse planning permission	Delegated	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
64 Quebec Road, St Leonards-on- sea, HS/FA/19/00458	Proposed two storey side extension and proposed alterations internally and externally.	Refuse planning permission	Delegated	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
130 Bohemia Road, St Leonards-on-sea, HS/FA/19/00458	Extension and alterations to create a sustainable dwelling	Refuse planning permission	Delegated	Planning – Non-Determination within time allowed
99 Battle Road, St Leonards-on-sea, HS/FA/18/01093	Change of Use of a redundant unit to form a new dwelling	Refuse planning permission	Delegated	Planning
Land Between 82 - 92 & 94 Rye Road, Hastings, HS/FA/19/00037	Proposed Studio Dwelling	Refuse planning permission	Delegated	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	61
Part Granted- Part Refused	1
Part Granted	1
Refused	8
Withdrawn by Applicant	2
Total	73

Background Papers:

Various correspondences with Planning Inspectorate

Report written by

Gillian Griffin – Tel: (01424) 783264

Email: planning@hastings.gov.uk