

Planning Agenda

Wednesday, 23 February 2022 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

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2.	Declarations of Interest	
3.	Minutes of previous meeting	1 - 38
4.	Notification of any additional urgent items	
5.	Planning Applications with a petition	
(a)	Car Park, Cornwallis Street, Hastings (HS/FA/21/00851) (S Wood, Assistant Planning Manager) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118905	39 - 70
6.	Planning Applications	
(a)	The Stade Family Amusement Park, The Stade (HS/FA/21/00979) (T Zulu, Principal Planning Officer) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_119034	71 - 86
(b)	39-41 Sedlescombe Road North, St Leonards-on-sea (HS/FA/21/00824) (T Zulu, Principal Planning Officer) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118878	87 - 104

(c) Shop and Premises, 40-41 Queens Road, Hastings
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(L Fletcher, Planning Officer)
https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_HSTBC_DCAPR_118495

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Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Beaver, Bishop, Foster, Roark, Marlow-Eastwood, Scott and Williams

Apologies for absence were notes for Councillor

311. APOLOGIES FOR ABSENCE

None received

312. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Scott	5(a)(b)(c)	Personal – East Sussex County Councillor
Cllr Marlow-Eastwood	5(a)(b)(c)	Personal – East Sussex County Councillor
Cllr Beaver	5(a)(b)(c)	Personal - East Sussex County Councillor
Cllr Beaver	5(a)	Personal – Additional documents mentions possible retail provider if it goes forward. Works for the company at a different branch. No action of moving to new branch if it comes up.

313. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meetings held on 8th December 2021 and 10th November be approved as a true record.

314. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

315. PLANNING APPLICATIONS

315.1 Ashdown House, Sedlescombe Road North (HS/FA/21/00003)

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Proposal	Erection of a total of 151 no. dwellings (C3) and a 188 sq.m community centre (Use Class F2(b)) accessed from Harrow Lane, together with a 1,918 sq.m food retail store (Use Class E(a)) accessed from Sedlescombe Road North, and associated car parking, landscaping and servicing areas following demolition of the existing buildings (amended description)
Application No	HS/FA/21/00003
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 12 objections received

Councillor Bacon arrived late and did not take part in the discussion and voting for this item.

The Assistant Planning Manager presented this application for the erection of 151 dwellings, a community centre and a new retail store. There are 3 updates. There has been an additional representation from Tesco and three additional comments from a member of the public. On page 28, Section 7 (Conclusion) – typographical error which should say “affordable” rent rather than “social” rent.

The Assistant Planning Manager showed a location plan, aerial view and drawings of the site. A typical street scene image showing dwellings between two and four stories with detached, semi-detached, and terraced houses. Illustrative images were shown of the pocket parks.

A slide was shown highlighting key areas of concern in light of representations received, which related to retail matters, the community centre, highway impact and other infrastructure, the pocket parks and the adequacy of the officers report in relation to the previous deferral.

The Assistant Planning Manager explained how the National Planning Policy Framework requires new retail development to be located in town centres first, and if that can't be accommodated then you look at edges of town centres before you look at out of town centre. This is an out-of-town centre location which means that you have to apply a Sequential Test, which was submitted with the application. As an authority we raised concerns and the developers came back with an addendum, which further considered alternative sites. Independent legal advice was sought in terms of the parameters used in applying the Sequential Test.

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The Assistant Planning Manager explained that concerns were raised regarding the lack of a Retail Impact Assessment. This isn't required for developments that are less than 2,500 square meters. This development is less than 2,000 square meters so for this reason, the Retail Impact Assessment was not insisted upon.

The impact on the highway network has been discussed with the Highways Authority (ESCC) and Highways England. Neither have raised objections to the scheme.

The Assistant Planning Manager explained that the community centre has conditions and provisions that a needs assessment and management plan be submitted to HBC before construction to ensure the centre is managed properly and is fit for purpose. The pocket parks have a condition number 43 which makes sure they are fit for purpose.

The Assistant Planning Manager explained that Para 11d of the National Planning Policy Framework which requires decision makers to apply a presumption in favour of sustainable development. This means granting planning permission unless the impacts of doing so significantly and demonstrably outweigh the benefits when assessed against policies in local plans and the National Planning Policy Framework. In accordance with paragraph 11d, Hastings Borough Council cannot demonstrate a 5 year housing land supply, and therefore the tilted balance is engaged.

Planning balance was highlighted and how 17 homes for affordable rent have been secured. There will be a new pedestrian and cycle connection to nearby sites including a crossing point and a new community centre.

Councillor Edwards as the Ward Councillor addressed the Committee. He had 6 questions he wanted to answer regarding the scheme. These were do we need more housing in Hastings, to which he answered yes, is the site suitable, to which he answered yes, is the developer competent to complete the job, to which he answered yes, is there reasonable profit to be made from the project, to which he answered yes. Is the retail store needed, to which the answer was to let the market decide but competition will lead to wider choice? Does the housing scheme meet the highest design and environmental standards, to which he answered yes. Councillor Edwards commended the Officer's report and gave the application his support.

The councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Scott

RESOLVED (8 votes for, 1 vote against) Grant permission subject to the following:

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

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- 17 affordable rented units on site in 2 apartment blocks in the form of 2 x 1 bed and 15 x 2 bed apartments.
- A S278 agreement with East Sussex County Council as Highway Authority to secure the required Highway works:
 - 1) Pedestrian access point onto Harrow Lane and uncontrolled pedestrian crossing point with refuge on Harrow Lane with dropped kerb/tactile paving
 - 2) All vehicle access onto Harrow Lane to include pedestrian footways and right turn facility for cyclists
 - 3) Revised access construction for all vehicle access and footway onto Sedlescombe Rd North (A21) to be either priority or signalised junction. Modelling supports both arrangements.
 - 4) Uncontrolled pedestrian crossing on Sedlescombe Road North (A21) to connect the food store site to bus stop with refuge and dropped kerb facilities and tactile paving
 - 5) Bus stop upgrades to provide shelters (where none are present), accessibility kerbs, bus clearway and RTPI for closest north and southbound stops on Sedlescombe Road North; and north and southbound stops on Harrow Lane.
- A Travel Plan for both residential and retail development proposals and Travel Plan Audit Fee - £6,000
- The provision of a Real Time Passenger Information board within the retail use car park.
- Unallocated parking spaces be retained as unallocated and do not become allocated to a particular dwelling

Along with financial contributions for:

- Bus stop maintenance - £30,000
- Play area (off site) towards cost of three play areas at Welton Rise - £56,512.50
- Libraries - £39,713
- Rights of Way contribution towards improvement of public footpath 'Hastings 129' - £3,624
- Sussex Police - £47,411.31

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions/infrastructure.

In the event that the Agreement is not completed by 8 June 2022, that the application be refused on the grounds that it does not comply with the relevant Policies (Policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above

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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:

20-J3257- 100 REV 03, 20-J3257- 101 REV 03, 20-J3257- 102 REV 02, 20-J3257- SC01 REV 2, 20-J3257- 105, 20-J3257- 106 and 20-J3257- 107
20-J3257- SK200 REV 01, 20-J3257- SK201 REV 01, 20-J3257- SK202 REV 02, 20-J3257- SK203 REV 02, 20-J3257- SK204 REV 02, 20-J3257- SK205 REV 02, 20-J3257- SK206 REV 02, 20-J3257- SK207 REV 02, 20-J3257- SK208 REV 01, 20-J3257- SK209 REV 01, 20-J3257- SK210 REV 01, 20-J3257- SK217, 20-J3257- SK218, 20-J3257- SK219, 20-J3257- SK220, 20-J3257- SK221, 20-J3257- SK222, 20-J3257- SK223 REV 02, 20-J3257- SK224 REV 03, 20-J3257- SK225 REV 03, 20-J3257- SK226 REV 01, 20-J3257- SK227 REV 02, 20-J3257- SK228 REV 02, 20-J3257- SK229 REV 01, 20-J3257- SK230 REV 01, 20-J3257- SK231 REV 02, 20-J3257- SK232 REV 02, 20-J3257- SK233 REV 01, 20-J3257- SK234 REV 01, 20-J3257- SK235 REV 01, 20-J3257- SK236 REV 01, 20-J3257- SK237 REV 01, 20-J3257- SK238 REV 02, 20-J3257- SK239 REV 02, 20-J3257- SK240 REV 01, 20-J3257- SK241 REV 01, 20-J3257- SK242 REV 02, 20-J3257- SK243 REV 02, 20-J3257- SK244 REV 02, 20-J3257- SK245 REV 03, 20-J3257- SK246 REV 03, 20-J3257- SK247 REV 02, 20-J3257- SK248 REV 02, 20-J3257- SK249 REV 03, 20-J3257- SK250 REV 03, 20-J3257- SK251 REV 02, 20-J3257- SK252 REV 02, 20-J3257- SK253 02, 20-J3257- SK254 REV 02, 20-J3257- SK255 REV 02, 20-J3257- SK256 REV 02, 20-J3257- SK264 REV 02, 20-J3257- SK265 REV 02, 20-J3257- SK266 REV 02, 20-J3257- SK267 REV 02, 20-J3257- SK268 REV 02, 20-J3257- SK269 REV 02, 20-J3257- SK270 REV 02, 20-J3257- SK271 REV 02, 20-J3257- SK272 REV 02, 20-J3257- SK276 REV 02, 20-J3257- SK277 REV 02, 20-J3257- SK278 REV 02, 20-J3257- SK279 REV 02, 20-J3257- SK280 REV 02, 20-J3257- SK281 REV 02, 20-J3257- SK282 REV 02, 20-J3257- SK283 REV 02, 20-J3257- SK284 REV 02, 20-J3257- SK285 REV 02, 20-J3257- SK286 REV 02, 20-J3257- SK287 REV 02, 20-J3257- SK288 REV 02, 20-J3257- SK289 REV 03, 20-J3257- SK290 REV 03, 20-J3257- SK291 REV 02, 20-J3257- SK292 REV 02, 20-J3257- SK293 REV 02, 20-J3257- SK294 REV 02, 20-J3257- SK295 REV 02, 20-J3257- SK296 REV 02, 20-J3257- SK297 REV 02, 20-J3257- SK298 REV 02, 20-J3257- SK299 REV 02, 20-J3257- SK300 REV 02, 20-J3257- SK301 REV 03, 20-J3257- SK302 REV 02, 20-J3257- SK303 REV 02, 20-J3257- SK304 REV 02, 20-J3257- SK305 REV 02, 20-J3257- SK306 REV 02, 20-J3257- SK307 REV 03, 20-J3257- SK308 REV 02, 20-J3257- SK309 REV 02, 20-J3257- SK310 REV 03, 20-J3257- SK311 REV 03, 20-J3257- SK312 REV 02, 20-J3257- SK313 REV 03, 20-J3257- SK314 REV 03, 20-J3257- SK316 REV 02, 20-J3257- SK317 REV 02, 20-J3257- SK318 REV 02, 20-J3257- SK319 REV 02, 20-J3257- SK320 REV 02, 20-J3257- SK321 REV 02, 20-J3257- SK322, 20-J3257- SK323,

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20-J3257- SK324 REV 01, 20-J3257- SK325, 20-J3257- SK326, 20-J3257- SK327, 20-J3257- SK328 REV 01, 20-J3257- SK329 REV 01, 20-J3257- SK330, 20-J3257- SK331 REV 01, 20-J3257- SK332 and 20-J3257- SK333
20-J3257- APT01 REV 01, 20-J3257- APT02 REV 01, 20-J3257- APT03 REV 01, 20-J3257- APT04 REV 01, 20-J3257- APT05 REV 01, 20-J3257- APT06 REV 01, 20-J3257- APT07 REV 01, 20-J3257- APT08 REV 02, 20-J3257- APT09 REV 02, 20-J3257- APT10 REV 02, 20-J3257- APT11 REV 02, 20-J3257- APT12 REV 02, 20-J3257- APT 13 REV 02, 20-J3257- APT14 REV 02, 20-J3257- APT15 REV 02, 20-J3257- APT16 REV 02, 20-J3257- APT17 REV 02, 20-J3257- APT18 REV 02, 20-J3257- APT19 REV 02, 20-J3257- APT20 REV 03, 20-J3257- APT21 REV 03, 20-J3257- APT22 REV 02, 20-J3257- APT23 REV 02, 20-J3257- APT24 REV 02, 20-J3257- APT25 REV 02, 20-J3257- APT26 REV 02, 20-J3257- APT27 REV 02, 20-J3257- APT28 REV 02, 20-J3257- APT29 REV 02, 20-J3257- A, 20-J3257- APT30 REV 02, 20-J3257- APT31 REV 02, 20-J3257- APT32 REV 02, 20-J3257- APT33 REV 02, 20-J3257- APT34 REV 02, 20-J3257- APT35 REV 02, 20-J3257- APT36 REV 03, 20-J3257- APT37 REV 02, 20-J3257- APT38 REV 03 and 20-J3257- APT39 REV 02

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. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

5. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under Condition 4 above.

6. Prior to the construction of the approved community facility building a written assessment of the need and demand for the space falling within Use Class F2(b) to serve the needs of the community shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include:

- a) An assessment of the existing provision of and demand for community facilities within the vicinity of the application site;
- b) An assessment of the community uses that could reasonably be

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accommodated within the community facility building;
c) Details of how potential occupiers of the community facility building have been identified and consulted;
d) A reasoned conclusion as to whether the 188 sq.m of community use floorspace can be secured for Use Class F2(b). Should it not be possible to secure the community use floorspace for Use Class F2(b) a reasoned conclusion as to the use the floorspace could reasonably be put to; and,
e) Details of the future management of the community use floorspace.
The community facility building shall be constructed and operated in accordance with the approved details set out in the Assessment unless otherwise agreed in writing with the Local Planning Authority.

7. No development above ground shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, sizes and proposed numbers/densities where appropriate together with an implementation programme.

8. All planting, seeding or turfing comprised in the approved soft landscaping scheme 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. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in 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:

- a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space
- location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction
- 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

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- 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)
- details of public engagement both prior to and during construction works
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- protection of pedestrian routes during construction
- restoration of any damage to the highway [including vehicle crossovers and grass verges]

An indicative programme for carrying out the works should be included within the Plan.

10. Prior to the commencement of development, a detailed surface water drainage strategy shall be submitted to, and approved in writing, by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the discharge rates agreed with Southern Water for rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
- b) Evidence that Southern Water has agreed to the proposed discharge rates and connections shall be provided.
- c) The detailed design of the attenuation pond, tanks and rain gardens shall be informed by findings of groundwater monitoring between Autumn and Spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d) Details of measures which will be taken to manage overland surface water flows from the site without increasing flood risk to Sedlescombe

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Road North and Harrow Lane shall be provided.

e) Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.

f) Development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.

11. A Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The Maintenance and Management Plan shall cover the following:

a) Who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the Development.

12. Prior to the commencement of development, details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development, required by Condition 9 of this consent.

13. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

14. Work which is audible at the site boundary and deliveries to and from the premises shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

15. Prior to occupation of any part of the development, a report on any lighting scheme, such as flood lighting or security lighting, during the operational phase of both the retail and residential elements of the scheme, must be submitted to, and approved in writing by the Local Planning Authority detailing the provisions for the avoidance of 'Spill Light', that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.

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With regard to the retail element of the scheme in particular, details should be provided that confirms external lighting will be on a timer and the specified hours when the site is in use; that the lighting will be orientated away from the residential properties; and fitted with baffle plates to prevent light backspill.

A detailed lighting scheme should also be provided in respect of the pedestrian connection from the site through to the A21, with a particular focus on safety and security.

The lighting scheme shall thereafter be implemented and maintained as approved.

16. Prior to the commencement of development, the recommendations set out in the submitted Land Contamination Report (Discovery, Dec 2020) in relation to underground tanks and the need for an intrusive investigation must be undertaken. This should include relevant soil, soil gas, surface and groundwater sampling, properly assess the risks to end user groups and be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

17. A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on site.

Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance.

Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority. The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before any part of the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide the Local Planning Authority with written confirmation that all works were completed in accordance with the agreed details.

18. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as Asbestos from building demolition), it must be reported in writing immediately to the

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Local Planning Authority with proposed remediation measures.

19. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, to be approved by the Local Planning Authority.

20. Details, including acoustic specifications of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

21. The development shall not be occupied until details of refuse storage, including enclosures, for both the residential and commercial elements of the scheme, have been submitted to and approved in writing by the Local Planning Authority. If the refuse bins or storage area is located within a building, suitable ventilation and sound proofing, where appropriate, shall be included within the details. Details shall also include refuse bin collection points, where relevant.

No part of the development shall be occupied until the all the approved details have been implemented. The refuse store and bin collection points shall thereafter be retained in perpetuity.

22. Prior to occupation of the dwellings hereby approved, and the commencement of the use of the retail unit hereby approved, details must be submitted to and approved in writing by the Local Planning Authority with regard to the provision of Electric Vehicle Charging Points. As a minimum, this should include:

- a) At least one Electric Vehicle Charging Point at each of the dwellings with dedicated 'on plot' parking.
- b) At least 4 Electric Vehicle Charging Points within the boundary of the retail store and car parking area.

The Electric Vehicle Charging Points shall thereafter be retained for that purpose.

23. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the residential and retail developments hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

24. Before the dwellings hereby approved are occupied, provision shall be made for the ability to connect to fibre-based broadband.

25. No development shall take place until the measures outlined in the

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submitted ecological and other statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:

- Arboricultural Implications Report Rev A (SAJ Trees, September 2021)
- Ecological Assessment (Ecology Solutions, December 2020)
- Flood Risk Assessment and Drainage Strategy, December 2020)
- Air Quality Assessment (Stuart Michael Associates, May 2021)
- Noise Assessment (Stuart Michael Associates, September 2021)
- Noise and Air Quality Technical Note (Stuart Michael Associates, September 2021).

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements, which should include measures to protect badgers from being trapped in open excavations and/or pipes and culverts);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

27. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan (Biodiversity). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

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28. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

29. No development shall take place until an Ecological Design Strategy (EDS) addressing reptile translocation has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans;
 - e) Type and source of materials to be used where appropriate, eg native species of local provenance;
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) Persons responsible for implementing the works;
 - h) Details of initial aftercare and long-term maintenance;
 - i) Details for monitoring and remedial measures;
 - j) Details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

30. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation and use of the development hereby approved. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

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The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

31. No development except demolition and earth moving shall take place until technical details of the layout of the reconstructed accesses and the specification for the construction of the access which shall include details of junction type (A21 access) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the developments hereby permitted shall not be occupied or brought into use until the construction of the accesses have been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

32. The reconstructed vehicular access onto Harrow Lane shall not be brought into use until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

33. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

34. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

35. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), the car ports hereby approved shall remain unaltered and shall not be enclosed.

36. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (in respect of the retail component of the approved development) and details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority (in respect of the residential component of the approved development) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

37. The development shall not be occupied until a turning space for vehicles has

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been provided and constructed in accordance with the approved plans (both retail and residential uses) and the turning space shall thereafter be retained for that use and shall not be obstructed.

38. The new estate roads (residential) shall be designed and constructed to a standard approved in writing by the Local Planning Authority in accordance with the Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

39. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval in writing, in consultation with the Highway Authority.

40. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

41. No part of the development shall be occupied until a Servicing Management Plan for the retail use has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.

42. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

43. Prior to first occupation of the residential component of the approved development a Scheme for the layout, configuration and future management/maintenance of the proposed pocket parks shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of:

- a) The layout and configuration of the pocket parks
- b) The hard and soft landscape details
- c) Seating
- d) Lighting
- e) Fencing/railings/protection from roads (as necessary)
- f) Future management and maintenance.

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The pocket parks shall be constructed and thereafter maintained in accordance with the approved details within the Scheme unless otherwise agreed in writing with the Local Planning Authority.

44. Prior to the commencement of development, a full mitigation strategy in respect of the Concrete Batching Plant, comprising any potential constraints on its operation and its impact upon residential amenities of the dwellings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste and Minerals Authority (East Sussex County Council). The Mitigation Strategy shall include (but not be limited to) full mitigation measures relating to:

- a) Noise;
- b) Dust;
- c) Air Quality;
- d) Traffic
- e) Lighting; and
- f) Visual Impact

The Concrete Batching Plant Mitigation Strategy shall thereafter be implemented and maintained as approved in perpetuity.

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 archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
5. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
6. To ensure the proposed community facility is used and provided for the benefit of existing and future residents, in accordance with Policy HC3 of the Development Management Plan 2015.
7. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
8. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
9. In the interests of highway safety and the amenities of the area and to

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minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.

10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

12. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

13. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

14. To safeguard the amenity of adjoining and future residents.

15. To safeguard the amenity of adjoining and future residents.

16. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.

17. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.

18. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.

19. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.

20. To safeguard the amenity of adjoining and future residents.

21. In order to secure a well planned development that functions well, protects the visual amenities of the area and the living conditions of future residents.

22. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.

23. In the interests of the visual amenity of the area.

24. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.

25. To protect features of recognised nature conservation importance.

26. To ensure that any adverse environmental impacts of development activities are mitigated.

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27. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
28. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
29. To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this.
30. Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.
31. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
32. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
33. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
34. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
35. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
36. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
37. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
38. In the interest of highway safety and for this benefit and convenience of the public at large.
39. In the interests of highway safety and for the benefit and convenience of the public at large.
40. In the interests of highway safety and the amenities of the area.
41. To safeguard the operation of the public highway.

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42. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.

43. To ensure a satisfactory standard of development.

44. To safeguard existing Waste and Minerals sites, and to protect residential amenity of 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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

4. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken.

Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow G5 8JD
Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linerearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

Please also be advised that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

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5. Should your excavation affect UKPN Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact them to obtain a copy of the primary route drawings and associated cross sections. Plan Provision: 0800 056 5866.
6. Excavations must be carried out in line with the Health and Safety Executive guidance document HSG 47. A copy of HSG 47 can be obtained from the Health and Safety Executives website.
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
8. Consideration should be given to the provision of a domestic sprinkler system.
9. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
10. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board internal drainage district, which is downstream of the application site. Therefore, the applicant is advised that surface water discharge rates need to be agreed with the Board. This should be done before fixing the development layout.

315.2 Former Spyways School Buildings, Hollington Park School Grounds, Gillsmans Hill (HS/OA/20/00022)

Proposal	Outline Application for residential development for up to twenty eight units. All matters reserved apart from access.
Application No	HS/OA/20/00022
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 5 objections

Councillor Bacon was present for consideration of this item.

The Principal Planning Officer presented this application for the erection of 28 units. All matters are reserved except access. There are no updates. Aerial images were shown and slides of the location plan and block plan. Access from Stone Court images were shown as well as houses in Stone Court. An indicative layout was presented

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showing what the development will look like. The Principal Planning Officer explained that the site is quite small, it's constrained, it's limited in size, and that the applicant proposes a T-road into the site with dwellings fronting. The dwellings are set back from the main road, and trees are proposed at the perimeter boundary of the application side so that they act as a buffer from the Ancient Woodland.

There have been 5 letters of objection from neighbours. The main consideration is the principle of development. This site is within a sustainable location and it's part of an allocated site under Policy GH3 of the Local Plan. The adjoining site to the northeast has got planning permission for eight houses and this site together with the application site forms the land that is allocated under Policy GH3 with a net capacity of 33 dwellings. There is no detailed design submitted at this stage as this is an outline application. The application proposes 35 dwellings per hectare, and it is considered that the development that is proposed is of acceptable density, given that policy requires a minimum of 30 dwellings per hectare in this area.

The Highway Authority have been consulted and agree with the proposed access arrangements and are satisfied that this housing development can be accommodated on this site, and that the access proposed is capable of supporting a development as proposed, subject to conditions and the financial contribution recommended by the Highways Engineer. Twenty-four individual trees in three groups of trees will be lost as a result of the development. The trees do not have tree preservation orders and are not important trees. The Arboriculturist has been consulted and he has no objection to the development.

Councillors asked questions of the Principal Planning Officer.

Councillors asked to confirm the name of the site as they believe it is Spyway School and not Spyways School. The Principal Planning Officer answered that the application form says the site is the former Spyways School.

The Principal Planning Officer was asked regarding biodiversity and the Great Crested Newts survey being out of date. She answered that an update was not requested because this is an outline application and there are further surveys that are required to be submitted at reserved matters stage. The Councillor also asked about the Ancient Woodland that would be lost. The Planning Services Manager responded and advised that the amount of woodland that would be lost is very small. It was confirmed that its loss was agreed when planning permission was given for the 8 dwellings on land adjoining this site.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Cox.

RESOLVED (7 for 3 against) Grant permission subject to the following:

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A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/OA/20/00022 to secure:

- 25% affordable housing. The final figure is dependent on the number of dwellings proposed at reserved matters stage.
- A financial contribution of £7,364.00 (£263 per dwelling x 28 dwellings) towards additional library provision and more flexible library and information services to meet changing needs. The final figure is dependent on the total number of dwellings proposed at reserved matters stage.
- A financial contribution of a total of £18,150.00 (£110 per sq.m x 165 sq.m) towards the improvement of the following nearby play facilities: Celandine Drive (£3,000.00), Shornden (£6,000.00), Gensing Gardens (£6,150.00) and Darwell Close (£3,000.00).
- A financial contribution towards Real Time Passenger Information (RTPI) (£24,000) to install RTPI signs at the two nearest Springfield Road (northbound and southbound) bus stops.
- The upgrading of the two nearest Springfield Road (northbound and southbound) bus stops at the applicant's expense:-

Springfield Road northbound bus stop

- aised kerb, ideally 160mm height (minimum 125mm)
- Bus stop clearway markings

Real time passenger information display.

- Springfield Road southbound bus stop To provide raised kerbs at this location, alterations to the existing bus shelter are likely. One solution may be to replace the existing shelter with a new shelter with the open side facing the road, thereby providing space for the section of raised kerb.
- The provision of a new bus stop to the socket and pole design (as per the northbound direction currently) – sourced from Stagecoach at the applicant's expense.
- A financial contribution of £500 towards consultations and preparations to be undertaken for the installation of bus stop clearway markings at the Springfield Road bus stop.
- A Travel Plan generally in the form of the Travel Plan Framework, including a welcome pack for each new unit detailing walking and cycling routes, public transport links/timetables with a bus season ticket voucher or cycle voucher. No monitoring fee is required as the development is below the threshold.

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- A S278 Legal Agreement for the highway works which include road adoption and bus improvements.
- A S38 Legal Agreement for the proposed adoptable on-site highway works.

unless it has been conclusively shown that the development would not be viable and that it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 30 April 2022 that permission be refused on the grounds that the application does not comply with the relevant policies (Policies H3 and C11) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan 2015 unless an extension of time has been agreed in writing by the Planning Services Manager.

B. Subject to the above

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the soft and hard landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the soft and hard landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

A00 Location Plan

A02 Site Survey

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A01 Illustrative Layout (amended)

6. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
7. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
8. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays
and at no time on Sundays or Bank Holidays.
9. Prior to the commencement of any part of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to first occupation of any of the premises and be retained thereafter.
10. The development hereby approved shall not be occupied until full details of the external storage spaces and collection point for refuse bins, been completed submitted to and approved in writing by the Local Planning Authority and once provided the refuse storage areas shall not be used for any other purpose other than the storage of refuse bins.
11. No external lighting shall be installed without planning permission. If lighting is proposed, a report on the lighting scheme, such as flood lighting or security lighting, should be submitted to the Local Planning Authority for approval detailing the provisions for the avoidance of 'spill Light' that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.
12. Prior to the commencement of any part of the development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
13. (i) Prior to commencement of any part of the proposed development, a suitable ground investigation should be undertaken to establish the infiltration rates and the

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depth of groundwater at the site. Any soakage testing should be undertaken to the BRE365 methodology. These should be used to confirm the design of the proposed surface water drainage network.

(ii) Prior to commencement of any part of the development details of the proposed means of foul and surface water sewerage disposal, including proposed rate at no more than the existing run-off rate (for all rainfall events including the 1 in 100 (plus climate change)) along with hydraulic calculations which take into account the connectivity of the drainage system, are to be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and the County Flood Risk Management Authority.

(iii) Prior to commencement of any part of the development a maintenance and management plan for the entire drainage system is required to be submitted to and approved by the Local Planning Authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should also be provided to the Local Planning Authority.

(iv) Prior to occupation of any part of the development hereby approved, evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

14. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

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

and

(ii) No occupation of any of the dwellings or flats approved as a part of this development shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

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15. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management 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),
- details of public engagement both prior to and during construction works.

16. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

Such a scheme should show the retention of the existing mature oak trees T14, T15, T16 and T17, together with the planting of an Ancient Woodland buffer outside of any residential garden space.

17. Upon completion of the approved soft landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority, and within whatever planting season is agreed.

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18. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

19. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

20. No development shall take place until an up-to-date Preliminary Ecological Appraisal including measures has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and Nature Space.

Thereafter, the measures outlined in the approved ecological statements and reports shall be fully implemented as approved unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following;

- Risk assessment of potentially damaging construction activities.
 - a) Identification of “biodiversity protection zones”.
 - b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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g) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the Local Planning Authority.

22. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures should include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

23. Prior to commencement of any part of the development hereby approved a full and adequate site investigation and soils report with regard to land stability, suspected slope movements, appropriate types of foundations, minimum foundation depths etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

24. The reserved matters details submitted for Conditions 1 & 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the energy efficiency hierarchy in Policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.

25. The development hereby approved shall be carried out in accordance with the arboricultural measures in the approved Arboricultural Report prepared by The Mayhew Consultancy Ltd and dated October 2019. Thereafter development shall be maintained as approved.

26. The landscape details submitted pursuant to Condition (1) above, shall include full details of the hard landscape works including proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

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27. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

28. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed at each of the houses hereby approved which have dedicated 'on plot' parking. The electric vehicle charging point shall thereafter be retained for that purpose.

29. The reserved matters details submitted in accordance with Conditions 1 & 2 above shall include details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal Report Dated 26 March 2020 and the Extended Phase 1 Habitat Survey dated May 2017 prepared by Corylus Ecology.

30. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority. Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)

c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the

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remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

31. The development shall not be occupied until parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

32. The vehicular access hereby approved shall not be used until visibility splays of 2.4m by 43m to the west are provided at the junction of Stone Court /Gillsmans Hill and visibility shall thereafter be maintained as approved.

33. The development hereby approved shall not be occupied until cycle parking areas have 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 areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

34. Any part of the development hereby approved shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

35. No part of the development shall be occupied until a Travel Plan (Statement) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. 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.

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36. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards and shall thereafter be maintained as approved.

37. The reserved matters details submitted for Conditions 1 & 2 above shall include soft landscaping details that show new streets lined with trees and that all car parking and hard standing areas shall be softened by soft landscaping as required by Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In order to secure a well planned development and protect visual and residential amenities of the area.
7. In the interests of the visual amenity of the area.
8. In the interests of neighbour amenity.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
10. In the interests of the visual amenity of the area.
11. In the interests of neighbour amenity.
12. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
13. To prevent increased risk of flooding.
14. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
15. In the interest of highway safety and for this benefit and convenience of the public at large.

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16. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
17. In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
18. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
19. In the interests of the health of the trees and the visual amenity of the area.
20. To enhance features of recognised nature conservation importance.
21. To protect features of recognised nature conservation importance.
22. To protect features of recognised nature conservation importance.
23. To ensure an acceptable form of development.
24. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy
25. To ensure that the measures considered necessary as part of the arboricultural impact assessment are carried out as specified.
26. In order to ensure that the development is capable of functioning in a manner that has regard to the safety of vehicular and pedestrian users, including less able bodied people.
27. In the interests of the visual amenity of the area.
28. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
29. To enhance features of recognised nature conservation importance.
30. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
31. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
32. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
33. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

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34. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

35. To encourage and promote sustainable transport.

36. In the interest of highway safety and for this benefit and convenience of the public at large.

37. To ensure an acceptable form of development and that the development complies with Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

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 applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

4. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.

5. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

6. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.

7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

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

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9. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

10. The applicant is advised that East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106 and a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

11. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

12. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

13. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.

14. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).

15. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

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16. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.

17. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.

18. The proposed indicative layout could benefit from a few amendments which can be done at reserved matters stage. All plots should be set back from the road so as to allow the planting of sufficient soft landscaping. There should be a woodland buffer at the rear of the residential gardens of all plots.

The proposed road should be lined by trees, and all car parking areas should have trees to soften the visual appearance of the development.

315.3 Dingle Cottage, Jenners Lane (HS/FA/21/01055)

Proposal	Erection of single storey garden office
Application No	HS/FA/21/01055
Conservation Area	No
Listed Building	No
Public Consultation	Yes – application submitted on behalf of employee in restricted post

The Assistant Planning Manager presented the application for the erection of a single storey garden office. There are no updates. Councillors were shown plans, photos and drawings of the application site. There have been no objections from nearby residents.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Beaver

RESOLVED (unanimously) Grant 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:

Location and block plan - es 1825/21/02

Proposed layout and elevations - es 1825/21/01

Existing and proposed drainage - 1646-100 P1

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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. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports as set out below have been fully implemented, unless:

(i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

(ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

The submitted reports are:

Arboricultural Report (Barry Holdsworth Ltd, November 2020)

Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)

5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

6. The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for separate business, commercial or industrial purposes or as an independent residential unit.

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.

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3. To safeguard the amenity of adjoining and future residents.
4. To protect features of recognised nature conservation importance.
5. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
6. 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 applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. The current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

316. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

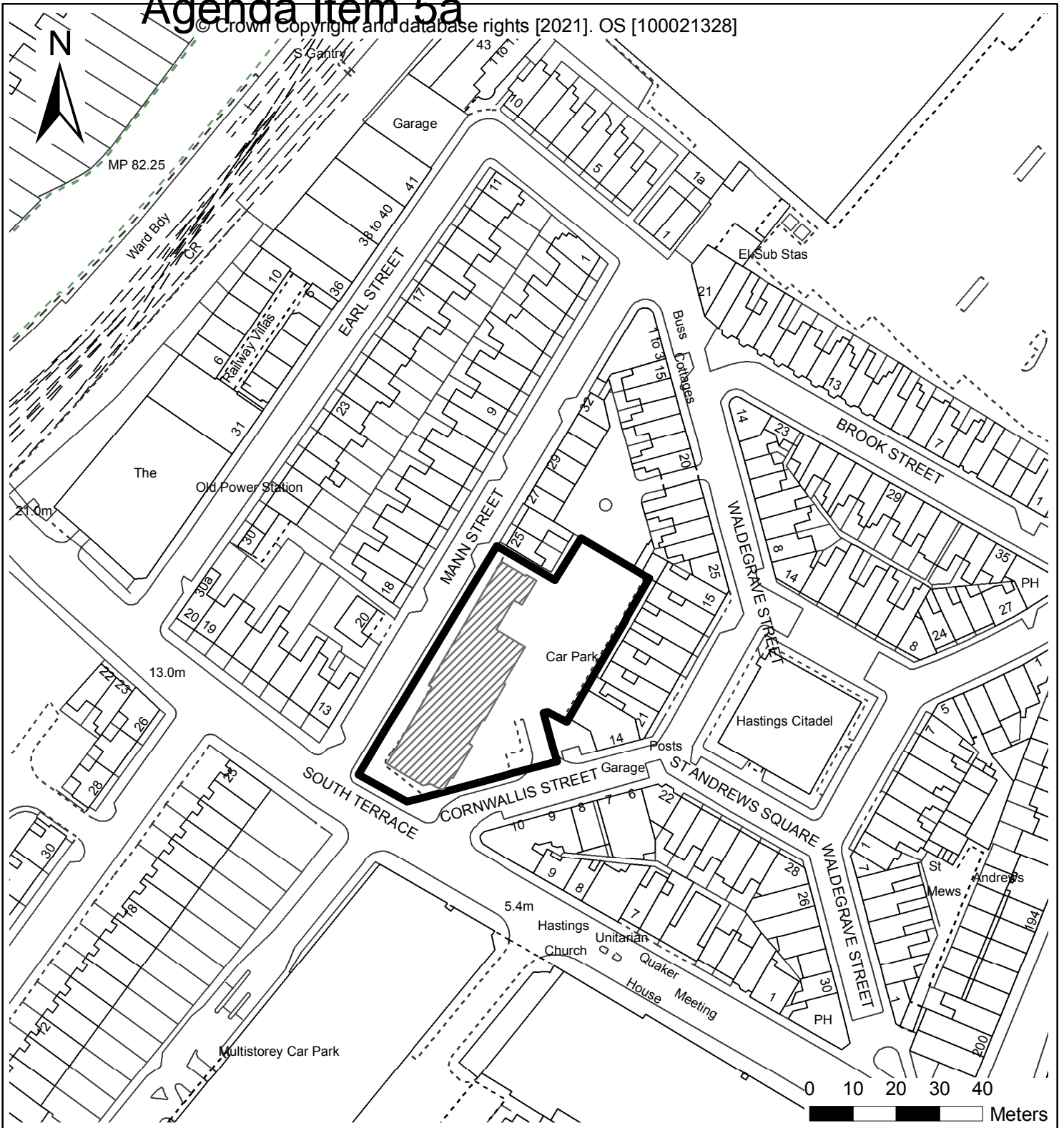
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(The Chair declared the meeting closed at. 7.02 pm)

Agenda Item 5a

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**Car Park
Cornwallis Street
Hastings**

Erection of hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works



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

Date: Dec 2021

Scale: 1:1,250

Application No. HS/FA/21/00851

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Report to: PLANNING COMMITTEE
Date of Meeting: 23 February 2022
Report from: Assistant Director of Housing and Built Environment

Application address: Car Park, Cornwallis Street, Hastings

Proposal: Erection of hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works

Application No: HS/FA/21/00851

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018

Conservation Area: No

Listed Building: No

Applicant: Hastings Borough Council per Walsingham
Planning BOURNE HOUSE CORES END ROAD
BOURNE END, Buckinghamshire. SL8 5AR

Public Consultation

Site notice: Yes
Press advertisement: Yes - General Interest
Neighbour Letters: No
People objecting: 22
Petitions of objection received: 1
People in support: 3
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated - Petition received
Petition received/more than 5 letters of objection received/Application by the Council on Council owned land.

1. Site and surrounding area

The site currently accommodates a 71-space surface level public car park (with 14 spaces privately allocated). Access is from the southeast of the site, off Cornwallis Street, directly within Hastings Town Centre. The site is bounded by residential properties to the northeast and east, Cornwallis Street to the southeast, with Priory Meadow Shopping Centre being located to the southwest.

While the site itself is generally flat, the surrounding area falls from north to south. As a result, Mann Street which runs along the site's western boundary is approximately 2m higher than the site's ground level. South Terrace, which runs along the southern boundary of the site, reduces from 2m at its junction with Mann Street to match the site level at Cornwallis Street.

Cornwallis Street is a two-way no-through road that principally serves the existing car park and the business premises in that location.

Policy HTC2 of the Hastings Development Management Plan 2015 allocates the site for housing development, with an indicative capacity of 10 dwellings.

Policy TC10 of the draft Local Plan (Regulation 18) identifies the site for a mixed use development, being either hotel or residential led (indicative capacity of 20 dwellings).

Constraints

The site is affected by the following constraints, or covered by the following designations:

- Area affected by surface water flooding
- Strategic Flood Risk Assessment (Climate Change) - 1-200 year chance
- Flood Zone 2 - Environment Agency
- Area susceptible to groundwater flooding
- Potentially Contaminated - constructed on extensive peat beds
- Green Zone (Great Crested Newts)

2. Proposed development

It is proposed to construct an 84-bedroom, 5-storey (at its maximum height) hotel with a ground floor restaurant which would be operated by Premier Inn. The development would create 3,131sqm of new floorspace, providing jobs for approximately 20 full time equivalent (FTE) employees. The restaurant would be located at ground floor level along with the hotel reception, back of house and staff rooms, and the hotel's refuse store and plant room. Hotel rooms would occupy the upper floors.

The building has been designed to step down from 5-storeys at its southern end to 3-storeys at its northern end, adjacent to the existing residential properties in Mann Street. Green roofs are provided on the building's 3rd and 4th floor roofs, together with an array of Solar Photovoltaic (PV) panels on the 3rd and 5th storey elements. A plant enclosure is also provided at roof level.

The proposed hotel would contain an on-site car park with 33 spaces, including 4 disabled car parking spaces and a minimum of 8 electric charging points. All delivery and servicing activity would be accommodated on-site. Covered and secure cycle storage is proposed opposite the main entrance, alongside the Cornwallis Street boundary.

Vehicular access into the site is to remain in the same location off Cornwallis Street to the southeast of the site. Pedestrian access will be relocated further up Cornwallis Street, closer to the junction with South Terrace and next to the hotel's main entrance.

The application is supported by the following documents:

- Planning Statement (Walsingham Planning, September 2021)
- Utility Statement (Jenks Associates, July 2021)
- Ventilation Statement (Jenks Associates, July 2021)
- Construction Environmental Management Plan (RGP, August 2021)
- Delivery and Servicing Management Plan (RGP, August 2021)
- Travel Plan (RGP, August 2021)
- Transport Statement (RGP, August 2021)
- Design and Access Statement (Brookes Architects, September 2021)
- Landscaping and Green Roof Maintenance Management Plan (Brookes Architects, November 2021)
- Heritage Assessment (Cotswold Archaeology, August 2021)
- Economic Impact Statement (Walsingham Planning, August 2021)
- Ecological Impact Assessment and accompanying Small Sites Metric (Ecology By Design, July 2021)
- Emissions Mitigation Assessment (Air Quality Consultants, August 2021)
- Phase I & II Geotechnical & Geo-Environmental Investigation Report (Land Science, January 2020)
- Land Stability Report (Simpson TWS, July 2021)
- Retaining Wall Appraisal (Simpson TWS, July 2021)
- Daylight and Sunlight Report (Anstey Horne, July 2021)
- Environmental Noise Assessment (Sharps Redmore, August 2021)
- Flood Risk, SUDS and Foul Drainage Assessment (Simpson TWS, August 2021)
- Energy Strategy Report (Jenks Associates, July 2021)
- Proposed Lighting Strategy (Ansell Lighting, September 2021)
- Proposed Solar PV Details
- BRUKL Output Document
- Proposed Heat Pump Details
- Statement of Community Involvement (Walsingham Planning, September 2021)
- Clarification on daylight and sunlight queries (Anstey Horne, January 2022)
- Clarification on Public Rights of Way (January 2022)

Relevant planning history

- HS/OA/99/00061 Demolition of existing workshops, garages, stores and development of five town houses on Mann Street frontage
GRANTED 9 July 1999
- HS/FA/96/00058 Change of use to car park (2 sites) creating 16 additional spaces
GRANTED 7 March 1996
- HS/FA/95/00237 Construction of new play facilities to include fencing
REFUSED 30 June 1995
- HS/FA/89/00405 Use of prospective vacant land as an extension of Cornwallis Street Car Park
GRANTED 19 June 1989
- HS/FA/76/00163 Formation of temporary car park
GRANTED 12 May 1976
- HS/OA/71/00007 Site for erection of builders merchants premises, including shops, offices, showroom and stores
REFUSED 11 January 1972

HS/OA/67/00232 Use of derelict site as part of Builder's Merchant premises comprising shops, offices, showrooms, stores and car parking as part of scheme to which OA/66/434 relates
GRANTED 11 April 1967

HS/OA/66/00434 Site for the erection of builders merchants premises including shops, offices, showrooms and stores
GRANTED 14 June 1966

HS/OA/62/00528 Proposed use of land as builders' Merchants produce, including shops, offices, showroom and stores.
GRANTED 20 July 1962

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 SC2 – Design and Access Statements
Policy SC3 – Promoting Sustainable and Green Design
Policy SC4 – Working Towards Zero Carbon Development
Policy SC7 – Flood Risk
Policy E2 – Skills and Access to Jobs
Policy E4 – Tourism and Visitors
Policy CI1 – Infrastructure and Development Contributions
Policy T3 – Sustainable Transport

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy LP2 – Overall Approach to Site Allocations
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 – Pollution and Hazards
Policy SA1 – Hastings Town Centre Shopping Area
Policy HTC2 – Cornwallis Street Car Park

Revised Draft Local Plan (Regulation 18)

Strategic Policy 4 (SP4) – Business Development – Retail and Leisure Uses
Focus Area Policy 1 (FA1) – Hastings Central
Policy TC10 – Cornwallis Street Car Park

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- e) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and

- f) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should 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; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Environment Agency – no objection

Refer to standing advice in relation to flood risk.

Southern Water – no objection subject to the imposition of a condition (Condition 20)

Require a condition relating to a detailed surface and foul water drainage strategy.

Sussex Police – no objection subject to the imposition of an informative (Informative 8)

Provide advice on Secured by Design measures, although these are mostly internal and outside the control of the planning system.

Natural England – no objection

Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Nature Space – no objection

Consider there to be minimal impact on Great Crested Newts.

East Sussex County Council (SUDS) – no objection subject to the imposition of conditions (Conditions 20-23)

Note that the flood risk data has been updated, reducing the risk of flooding to the site. Conditions will secure a suitable surface water drainage strategy and ensure effective management and maintenance.

East Sussex County Council (Highways) – no objection subject to the imposition of conditions (Conditions 5-13)

Consider the proposed hotel use to be appropriate in this location, subject to the imposition of conditions to mitigate the loss of car parking.

East Sussex County Council (Archaeology) – no objection subject to the imposition of conditions (Conditions 18-19)

Require conditions relating to a Programme of Archaeological Works in accordance with an approved Written Scheme of Investigation, as well as Post Investigation Assessment.

East Sussex Building Control Partnership – no objection

No concern from a Building Regulations perspective

Hastings Borough Council (Licensing) – no objection subject to the imposition of an informative (Informative 3)

Note that a license will be required for the sale of alcohol in the bar and restaurant

Hastings Borough Council (Arboriculturalist) – **no objection subject to the imposition of conditions (Conditions 24-25)**

Require an updated soft landscaping plan to be submitted referring to specific tree types

Hastings Borough Council (Natural Environment and Resources Manager) - **no objection subject to the imposition of a condition (Condition 26)**

Require mitigation and compensation measures as set out in the submitted Ecological Impact Assessment to be implemented

Hastings Borough Council (Environmental Health) – **no objection subject to the imposition of conditions (Conditions 3, 14-17)**

Consider the development to be acceptable in principle subject to the imposition of conditions relating to noise and contamination

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

Note that the proposal is a departure from the Local Plan but consider the economic benefits outweigh the loss of the housing site given the minimal potential yield

4. Representations

In respect of this application 4 site notices were displayed at various points around the site, and an advert placed in the local paper. In response:

- 3 letters of support were received from 3 different people/organisations
- 21 letters of objection were received from 21 different people/organisations
- 1 valid petition of objection was received

The letters of support noted the following:

- Support for investment in this part of the town
- Benefits of job creation, safer neighbourhood, improved capacity of tourist accommodation
- Boost of economic activity

The letters of objection raised the following concerns:

- Loss of parking provision, particularly free overnight parking
- Do not need additional tourist accommodation or restaurants
- Noise impact on nearby residents
- Drainage can't cope with additional pressure, increased impact on flooding
- Loss of daylight and sunlight
- Loss of privacy and outlook
- Increase in traffic and impact on highway network
- Development does not accord with historic character of the area
- Proposed building is too high and imposing
- Inappropriate location for a hotel
- Impact of lighting on residential amenity
- Not energy efficient development

- Lack of management and maintenance of green roofs
- Lack of parking provision for hotel use
- There are existing empty buildings that could be utilised for the hotel
- Impact on residential amenity during construction
- Public Right of Way on the site that would be blocked/interfered with
- Impact on 23/25 Mann Street

The petition was signed by 35 people and raised the following concerns:

- Overbearing and overdevelopment on a small site
- Loss of natural light
- Overlooking, loss of privacy
- Increased flood risk
- Only a token, superficial contribution to green initiatives
- Building not in keeping with surroundings
- Loss of potential affordable housing
- Loss of local amenity space – car park used by church goers, disabled
- Impact on refuse collection – currently at capacity and will be lost
- Impact on residents paid parking
- Other more suitable sites
- Increase in traffic and impact on pedestrian safety

5. Determining issues

The proposed development is for an 84-bedroom hotel on a site that is currently allocated for housing in the adopted Local Plan. Therefore, any proposals for alternative uses on the site needs to be weighed against other relevant adopted policies of the Local Plan relating to matters including, (but not limited to), the economy, the impact on neighbouring residential amenities and the character and appearance of the area, together with any relevant emerging evidence which is being developed for the new Local Plan.

Overall, it must be made clear that it is a matter of planning balance as to whether planning permission is granted using all aspects of policy and guidance. That is to say that even if all policy requirements have not been met, the overarching argument still applies as to whether the benefits of the scheme, outweigh the potential impacts of not meeting every policy requirement.

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 good 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) Background

Policy HTC2 of the Development Management Plan 2015 allocates the site for a minimum of 10 residential dwellings. This means that the principle of the loss of a public car park has already been established through the Local Plan process

Policy TC10 of the emerging Local Plan (Regulation 18) identifies the site for a mixed use development, being either hotel or residential led, with an indicative capacity for 20 dwellings, should residential be brought forward on the site.

Taking the above into account, one of the key issues that needs to be considered in relation to the proposed development, is whether the principle of an alternative use to housing should be considered, given that the Council is currently unable to meet its targets for housing delivery.

However, it is important to note, that whilst the emerging Local Plan carries only minimal weight given its stage in the plan making process, its evidence base is up-to-date and provides for clear direction as to the direction plan making and development management decisions will take.

It is also important to note that in terms of strategic infrastructure such as the impact on the highway network, the relevant statutory consultees have already been consulted, both through the emerging Local Plan process and this application. No additional capacity (subject to highway improvements mentioned in this report) have been demonstrated as being required because of this development.

c) Impact on character and appearance of area

The site is located within an area of Hastings that transitions from predominantly residential use to the northeast of the site to predominantly mixed commercial use to the southwest.

Residential properties in the immediate area are mostly 2-3 storeys in height, with the same being said of the mixed use commercial spaces. The exception to this being the 5 storey Priors Meadow Shopping Centre to the south of the site. This is a large, covered shopping centre in the middle of Hastings Town Centre, complete with a multi-storey car park.

The new hotel is proposed to be 5 storeys in height adjacent to South Terrace, reducing to 3 storeys in height adjacent to the properties in Mann Street. This takes account of the sloping nature of the surrounding area and being of a similar scale to the existing buildings at each end. It is set in from the site boundaries, and following concerns raised during the application process, the southernmost corner adjacent to Cornwallis Street has been angled to properly address the junction as part of good design and to make it less dominant in the streetscene.

Whilst the design and use of materials (coloured render and buff facing brickwork) is similar to a typical style of Premier Inn development, attention has been paid to ensuring its appearance is more suited to the traditional types of dwellings in the surrounding area. Windows have been designed with a more vertical emphasis, with recessed sections of the building façade in an alternate colour breaking up the elevations. Parapet detailing is also to be included in the front elevation to reflect historic character. The use of render is prevalent in the surrounding area, and the main entrance to the front of the building provides for a clear focal point, representing good design.

It should be noted that in its current form as a car park, the site is mostly complete impermeable hardstanding, with only some vegetation growing through the concrete. This results in a space of little benefit in terms of its contribution to the character and appearance of the area.

Soft landscaping

As set out in section i) below, the site is almost hard landscaped in its entirety in its current form. Amended information was submitted during the application process to enhance the

soft landscaping provision as much as possible, resulting in a form of development that has a much softer appearance as viewed from the public realm. This is further enhanced by the provision of a green roof on the 3rd and 4th floors, which will enhance its appearance when viewed from higher vantage points around the site.

A robust Management and Maintenance Plan is secured by the imposition of condition 26, which will ensure that the green roof is managed and maintained in perpetuity, so as not cause harm to the character and appearance of the area later.

Overall, whilst the proposed development is significant in scale compared to the current situation, it is still considered to complement the surrounding area in terms of massing and building heights, taking reference from its historical character. The development therefore reaches a good standard of design that protects and enhances local character and shows an appreciation of the surrounding neighbourhoods historic context, scale, height, massing and materials. Policy DM1 of the Development Management Plan 2015 is therefore complied with.

Heritage and archaeology

The site is not located within a conservation area and there are no statutory listed buildings nearby or which would be impacted by the proposals.

This application is however, accompanied by a thorough desk-based archaeological assessment that places the proposed development within an archaeological and historic context. The desk – based archaeological assessment (DBA) concludes that there is potential for the site to contain palaeoenvironmental deposits, residual archaeological artefacts and buried archaeological remains of medieval, post-medieval and modern date.

It is therefore possible that should development commence, ground works undertaken would have the potential to expose buried archaeological/palaeoenvironmental deposits, artefacts and features. As such, it is proposed to impose a condition requiring a programme of archaeological works (Condition 18) to enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

d) Layout

Access into the site will remain as existing, and a secure bin store is to be placed towards the northeast of the site. Delivery and service vehicles will be able to enter and leave the site in a forward gear and to get within a reasonable distance of the refuse store. Soft landscaping is incorporated within the external areas to ensure the appearance of the development is softened as much as possible, providing for a significant improvement to the current situation.

Within the building itself, the ground floor will house the new hotel lobby and restaurant, together with the relevant service areas. All upper storeys will be allocated to the hotel rooms, including 5% wheelchair accessible units allocated as four double bedrooms. 2 lifts are sited within the hotel.

Overall, it is considered that the site layout has been maximised to provide for adequate space for the storage of waste and means for its removal, together with sufficient space for servicing, ancillary structures and landscaping. Policy DM3 of the Development Management Plan 2015 is therefore complied with.

Secured by design

Sussex Police have reviewed the application and raise no objection to the proposals, subject to the inclusion of some crime prevention methods within the building itself (for example, door types, access control and CCTV). Whilst these are outside of planning control, the applicant is advised through the imposition of Informative 8 that these measures should be implemented in the interests of community safety.

e) Loss of existing use

The site is currently formed of a complete hard standing car parking area. Given that the site is allocated for residential development in the adopted Local Plan (Policy HTC1 of the Hastings Development Management Plan 2015), the principle of the loss of public parking has already been accepted through the Local Plan process. Furthermore, the site is also allocated for an alternative use in the emerging Local Plan. Whilst in its current form, the emerging Local Plan only holds minimum weight, again, it has been accepted that the principle of an alternative use to car parking has already been established.

f) Proposed commercial use

As noted above, the application site is currently allocated in the adopted Local Plan for residential development. Therefore, the proposal for an alternative use represents a departure from adopted Policy, and therefore it needs to be determined whether there are material considerations that indicate that the Local Plan should not be followed.

In this respect, a key theme running through the Planning Strategy (Objective 7 and Policy E4) is the need to support and provide for the local tourism sector. This includes encouraging the provision of new visitor accommodation to help support growth and development of the tourism industry locally. The explanatory text for Policy E4 identifies a deficit in good quality tourist accommodation. The proposed development would therefore support this policy aim.

Furthermore, Policies FA2(a) and FA3(e) of the Hastings Planning Strategy are highly relevant to this proposal and the continuing need to support the role and function, the regeneration, and the vitality of Hastings Town Centre. The proposed location of this development; within the Town Centre, is within excellent walking proximity to Hastings's railway station. It is also close to main arterial routes and tourist generators.

Additionally, whilst only of limited planning weight, the site is proposed as either a hotel or residential-led development in the Regulation 18 draft new Local Plan. This is reflective of the on-going need to support the regeneration of Hastings Town Centre and that a flexible approach is required considering the changes to high street retailing and town centres nationally.

The proposal is also well aligned to the regeneration projects for the Town in relation to the proposals set out in the Town Deal and Town Investment Plan. Again, aimed at promoting a thriving economy and providing a step change in the town centre, supporting the aims set out in the Local Plan.

Specifically, as set out in the Economic Statement submitted with the application, it has been identified that the proposed development will deliver the following economic benefits:

- Construction expenditure of around £6.4 million;
- 50 FTE construction jobs over the build period;
- The direct and indirect creation of 31 net additional FTE jobs locally and in the wider area during the operational phase;
- Support for around 46,603 new overnight visitors per year;
- Visitor expenditure of around £2.1 million in the local economy

Whilst the loss of a potential housing site is regrettable, housing land supply research for the emerging new Local Plan strongly suggests that the potential 10 residential units which this site could yield can be met elsewhere in the Town Centre. The adopted Plan already provides for this in Policy FA3(m) which provides for mixed use developments including residential.

Added to this, and in effect, ahead of the emerging Local Plan there is now the potential for increasing windfall yields due to the changes in the Permitted Development Rights which now facilitate a greater range of changes of use between town centre uses including, to residential, under Planning Use Class E.

Therefore, whilst the site is allocated for housing in the current Local Plan and the Council are currently unable to demonstrate a 5-year housing land supply, significant weight should be given to the positive contribution of this proposal to the policy objectives in the Local Plan for Town Centre regeneration, the economy and tourism. Therefore, no objection is raised to the proposed hotel development on this site in these circumstances, subject to compliance with other planning policies.

g) Impact on neighbouring residential amenities

Whilst there are no buildings on the application site, neighbouring properties have outlook directly towards it. Its height and positioning within the site also mean that issues such as privacy, loss of light and overshadowing, need to be carefully considered.

The application is supported by a detailed Sunlight and Daylight Assessment prepared by professionally qualified 'right to light' specialists, which considered in detail the impact on neighbouring properties in accordance with the BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011).

Overall, the results of the technical review demonstrate that the proposed development relates well to neighbouring properties and amenity spaces, with a very high degree of adherence to the BRE Guidelines recorded. Where a test is failed (detailed below), this still falls within the elements of flexibility as set out in the BRE document.

Specifically:

Daylight

- 239 out of 254 (94%) windows will achieve BRE compliance. In terms of daylight distribution, 144 out of 150 (96%) will meet the strict application of the BRE Guidelines.
- 25 Mann Street records strict compliance with the advisory levels of the BRE Guidelines. The properties that record alterations beyond these suggested levels are numbers 16, 17, 18, 20 & 26 Mann Street, 10 & 14 South Terrace and 20 St Andrew's Square. Whilst there are isolated windows and rooms in these properties that will experience changes beyond the recommended values, this is largely a product of the current site which is vacant of any structure. The BRE recognise such unusual situations and advocate a flexible

application of the guidelines.

Sunlight

- 99% of rooms assessed will achieve BRE compliance.
- 4 out of 5 (80%) of neighbouring amenity spaces tested will either meet or exceed the recommendations of the BRE. There is 1 space which will record alterations within 10% of the suggested permissible 20% former value, which is the rear garden at 20 Mann Street. Drawings 301-01-02 within Appendix F of the submitted Sunlight and Daylight report show the technical overshadowing results and identify that this particular space, located to the west of the proposed development, will go from being 40% well-lit to 28% in the proposed condition. The height and extent of the 20 Mann Street building itself does present some challenges in terms of ensuring that direct sunlight reaches the ground. The basis of the overshadowing assessment considers the amount of available sunlight on 21st March, the BRE's suggested test date. That said, if one were to look at the sunlight potential during the summer months (when the spaces are also more likely to be used and enjoyed), it is likely that the results would be even more positive, given the sun's higher positioning.

25 Mann Street will not experience any daylight or sunlight alterations beyond the advisory thresholds set out by the BRE.

26 Mann Street, located adjacent to number 25, includes a 2 storey projection to its rear, and whilst 1 bedroom window at first floor level will experience a reduction of light, the location of this window at first floor level, being directly adjacent to the rear elevation of the original house, means that is already obscured in part. The submitted daylight and sunlight report advises that this unique situation means that a reduction in light is unavoidable. It is important to note however, that according to the relevant guidance, bedrooms do not carry the same expectation for natural light when compared to main living rooms.

In addition, the upper storeys above the third floor have been set back a notable distance (approximately 18m) from the site boundary with 25 Mann Street to reduce the overbearing impact on their amenity area. The hotel will also be set back approximately 16.5m from the houses on the other side of Mann Street and approximately 18.5m from the rear of the houses off St Andrew's Square, reducing the impact of any overlooking or loss of privacy from the proposed development.

Overall, therefore, whilst it is noted that there will be some loss of natural light to the closest properties, this is unavoidable due to the site as it currently exists being vacant of any structure. However, it is considered that given the BRE guidelines advocate a flexible approach in these situations. Taking account of the fact that the windows affected do not serve main living areas, it is considered that on balance, in light of the overall scheme being proposed, this will not cause unacceptable harm to the amenities of neighbouring residential amenities to warrant refusal of consent on this point alone.

Glint and glare

Whilst the inclusion of energy reducing technologies such as solar panels is welcomed, consideration has to be given to the impact of these on neighbouring residential amenities in terms of potential glare as a result.

The Council's Energy Development Manager has reviewed the proposal and raises no concern with the scheme, noting that glare will not affect nearby properties given the siting of

the solar panels, and the positioning of the building itself.

Noise and dust

The application is supported by a Construction Environmental Management Plan, which sets out measures to control noise and dust on site during the construction process, as well as controls on vibration that could cause harm to neighbouring residential amenities.

Environmental Health officers have reviewed this report and are satisfied with the measures proposed, clarifying that the report has been undertaken in accordance with British Standards. Subject to securing a timetable for construction and restricting hours that construction can take place (Condition 3), it is considered that neighbouring residential amenities can be sufficiently protected during the construction phase. Policy DM3 of the Development Management Plan 2015 is therefore complied with in this respect.

h) Ecology

The application is supported by an Ecological Impact Assessment, which notes that the site only includes a small area (142sqm) of ruderal/ephemeral vegetation between gaps in the concrete. The remainder of the site is existing hardstanding.

Following the Phase 1 Survey, it is concluded that no protected or priority species are present or potentially present within the site. Neither is there likely to be an impact on closest sites of nature conservation importance, given the distance and built-up nature of the immediate area.

In terms of Great Crested Newts specifically, the development falls within the green impact risk zone for Great Crested Newts. In the green impact zone, there is moderate habitat and a low likelihood of Great Crested Newt presence.

In this case, the closest pond to the application site is located 450m north, and there is little connectivity between the development and the pond due to buildings and hardstanding.

Taking this into account, Great Crested Newts and other protected species are not present on site, and therefore, there will be no impact on this protected species. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

Biodiversity Net Gain

It is noted that whilst the Environment Act 2021 is now in force, there remains no requirement in planning law for a 10% biodiversity net gain and as such, this has not been formally assessed as part of the application. However, an assessment has been carried out by the applicant, which demonstrates a 34% net gain (which is clearly over and above future requirements) following the implementation of proposals in the Landscaping and Green Roof Maintenance and Management Plan.

Mandatory biodiversity net gain, as set out in the Environment Act, will only be required in planning applications in England once the Town & Country Planning Act (TCPA) is amended which is likely to occur in 2023.

i) Trees and soft landscaping

The site is hard landscaped in its entirety in its current form. However, as with all new development, it is important to ensure opportunities are maximised for additional soft

landscaping, both in terms of biodiversity net gain, and to soften the appearance of the new development.

The application is accompanied by a Landscaping and Green Roof Maintenance and Management Plan, which includes a Soft Landscaping Plan at Appendix A.

The Soft Landscaping Plan has been amended during the application process to intensify the level of planting proposed, particularly in terms of softening the appearance of the proposed car parking area. Whilst this is now considered acceptable, it is proposed to secure an updated landscaping plan by the imposition of a condition (Condition 24) to ensure that the most appropriate tree species are provided, together with details of planting pits/soil type.

j) Air quality and emissions

The proposed development falls within Checklist 1 and Checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2019 produced by Sussex Air Quality Partnership. As such an Emissions Mitigation Assessment has been submitted. Environmental Health has been consulted and has raised no objection to the application.

The imposition of Condition 26 will ensure that the mitigation measures set out in the assessment are fully adhered to

Lighting

The application is supported by a proposed lighting strategy, which demonstrates that spill light will be avoided. Subject to the imposition of Condition 26 to ensure that these measures are fully implemented, no objection is raised in this regard. Policy DM6 of the Development Management Plan 2015 is therefore complied with.

k) Highway safety/parking

The site currently operates as a surface-level car park owned by Hastings Borough Council, providing short-stay parking for the general public on a pay and display basis.

There are a total of 71 car parking spaces (57 for pay & display use and 14 season ticket bays), with a single point for vehicular access / egress on Cornwallis Street.

The proposed hotel would contain an on-site car park with 33 spaces, including 4 disabled car parking spaces, and all delivery and servicing activity would be accommodated on-site.

Accessibility

The site is located directly within Hastings Town Centre, and therefore a large number of facilities and services, including Hastings Railway Station, are in easy walking distance. Bus stops are within 250m and the National Cycle Network is located south of the site.

The site's close proximity to key facilities and amenities would therefore enable hotel guests to arrive at the site by public transport and / or undertake a proportion of trips during their stay using sustainable modes. The accessible location of the site also facilitates hotel staff making journeys by sustainable modes, particularly since the majority of staff at Premier Inn sites are employed from within the local area.

However, a new crossing point on South Terrace is required to improve pedestrian safety

and connectivity. This will be located between Mann Street and Devonshire Road and is to be secured through a Section 106 Agreement as part of this consent, should planning permission be granted.

Site access

Access to the hotel is to remain as per the existing arrangements, with the exception of an alternative pedestrian access point from Cornwallis Street, in lieu of the existing footpath leading into the site on the southwest side of the access.

The Highway Authority is satisfied that the access arrangements are acceptable to accommodate all vehicular entry and exit, including deliveries and servicing. However further details are required regarding the alteration of the access to remove the existing footway, together with the separate pedestrian access. This is secured by the Section 106 Agreement which will be attached to this consent, should permission be granted.

Car parking

The existing car parking area currently comprises 71 parking spaces to serve visitors of the Town Centre. Using adopted guidance prepared by East Sussex County Council in relation to commercial development, a total of 84 parking spaces would typically be required to serve a hotel development as applied for, as well as additional spaces for staff parking.

However, it is accepted that some types of hotels operate differently and that this can impact on the parking demands the hotel generates. It is also acknowledged that the local characteristics and accessibility of the site can also impact significantly on how visitors travel to and from the hotel.

The application proposes 33 spaces to serve the hotel, a significantly lower number than what would typically be required. The Highway Authority have assessed the submitted Transport Assessment in detail and have concluded that the proposed 33 parking spaces are sufficient to accommodate all parking from the hotel during the day, although there may be up to 28 cars being displaced to local car parks overnight. Occupancy data submitted has confirmed that there is significant spare capacity to accommodate this overspill in the immediate area, should it be required.

Taking the above into account, as well as the highly accessible location of the hotel (which will in turn minimise the reliance on the private car), the Highway Authority are accepting of the level of parking proposed. This is however, subject to sufficient management measures to be implemented by the hotel to ensure that guests are directed to the most appropriate public car parks once the hotel car park has reached full occupancy, as well as refunding the costs of overnight parking tickets for future hotel guests (Informative 4).

Cycle parking

Secure and covered cycle parking spaces will be provided within a bike store for 6 cycles, in line with East Sussex County Council parking standards (1 long term space per 10 staff and 1 short term space per 20 beds).

Trip generation

The application is accompanied by survey data that seeks to establish the likely trip generation of the proposed hotel. This data has been analysed by the Highway Authority, taken together with their own survey information, who agree with the conclusion that the

likely level of traffic generated by the new development is likely to be lower than that currently associated with the car park. Therefore, there will not be an increased impact on the operation of the surrounding highway or local junction capacity.

Travel Plan

The submitted Travel Plan intends to encourage sustainable travel for staff as well as hotel guests, which is considered acceptable.

Taking all the above into account, it is acknowledged that the proposed development will result in the loss of a parking area currently in public use and would also create an additional parking demand in the surrounding area. However, the submitted information and the proposed parking strategy demonstrates that any overspill parking is only likely to occur overnight and this can be sufficiently accommodated in the nearby area. With this in mind, it is considered that the development will not have an unacceptable impact on the existing parking pressures in the area.

The Travel Plan, accessible Town Centre location, and improvements to pedestrian links will also help to promote sustainable travel, reducing reliance on the private car.

It is therefore considered that the proposed access and parking arrangements are acceptable, ensuring safe access into and within the site as well as promoting and enhancing sustainable travel. Policy DM4 of the Development Management Plan 2015 is therefore complied with.

Connectivity

Vehicular access into the site would remain in the same location off Cornwallis Street to the southeast of the site, albeit developed to create a stronger and more welcoming entrance. Pedestrian access will be relocated further up Cornwallis Street, closer to the junction with South Terrace and next to the hotel's main entrance. This will improve pedestrian safety by keeping vehicles and pedestrians separated, whilst also allowing for a more prominent entrance area viewable from South Terrace.

In terms of Public Rights of Way (PRoW), concern has been raised that the development will interrupt an existing route through the site. Confirmation has however, been received from East Sussex County Council that no PRoW exists on the site, and therefore no action needs to be taken in this respect.

Overall, the application is acceptable and will not cause harm to highway safety and the Highway Authority have no objection to the application subject to the imposition of conditions, informatives and S106 Legal agreement requirements noted above.

I) 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.

m) Flood risk and drainage

Surface water

The application is supported by a Flood Risk, SUDS (sustainable drainage) and Foul Drainage Assessment, which incorporate a surface water drainage strategy for the site. This strategy incorporates the following measures to address flood risk:

- Green roofs
- permeable paved parking bays
- geocellular storage tank for the conveyance, treatment, storage, and attenuation of runoff.

Southern Water have also confirmed that the existing combined sewer in Cornwallis Street has sufficient capacity to accommodate the proposed surface water discharge from the development, and the Lead Local Flood Authority raise no objections to the development, subject to the imposition of conditions requiring a detailed Surface Water Drainage Strategy and Management and Maintenance Plan (Conditions 20-23).

Foul water

A foul water drainage scheme has been developed for the site, which shows the development to discharge to the existing 300mm diameter combined sewer located in Cornwallis Street via the construction of a new manhole.

The connection will be shared with the surface water connection to ensure no unnecessary excavation of the highway is required with flows kept separate up to the site boundary. Southern Water will however, require a formal application for a connection to the public sewer to be made by the applicant or developer (Informative 7).

Flood risk

The application site is in Flood Zone 2, and therefore suitable mitigation measures need to be incorporated into the design of the development to ensure that there is not an increased risk of flooding to the site or any neighbouring properties. These measures include the raising of floor levels and an approved excavation strategy, should a tidal flooding event occur.

The Environment Agency have been consulted on the application and raise no objection to the development.

Taking the above into account, subject to the mitigation measures as set out in the submitted reports, together with the imposition of conditions 20-23 relating to flood risk and drainage, it is considered that the development can be occupied and operated safely, and that there will be no increase in the level of flood risk to the site or neighbouring sites. Therefore, the development can be considered acceptable in terms of flood risk and in accordance with Policy SC7 of the Hastings Planning Strategy 2014.

n) Sustainable construction

As part of this development, the applicant has sought to follow the “Be Lean, Be Clean, Be Green” energy hierarchy. This includes reducing the buildings energy demand through energy efficient techniques, exploring the possibility of using decentralised energy systems,

and including renewable energy technologies on site. In this respect, the following measures have been proposed:

- Installation of an air source heat pump system to provide the space heating and cooling for the bedroom areas to ensure overheating is avoided.
- CO₂ refrigerant based air source heat pump providing preheat of the hot water reducing the load and consumption of gas and energy for water heating.
- A 15 KW Photovoltaic array to provide on-site energy generation.
- Orientation of the building so that most of the guest bedroom windows face east and west, minimising solar gains and reducing the requirements for cooling.
- Installation of 8 electric vehicle charging points within the parking area.

As a result of the above measures, it has been demonstrated that there will be a 35.5% reduction in CO₂ emissions and a 50% reduction in onsite energy consumption when compared to the baseline scenario. Policy SC3 and Policy SC4 of the Hastings Planning Strategy 2014 are therefore complied with.

o) Other matters

Concern has been raised by objectors regarding the following:

- Negative impact on house prices
- Impact on local businesses in terms of businesses competing
- Longevity of Premier Inn at this site

Whilst these concerns are noted, they are not material planning considerations and cannot therefore be considered as part of this application.

In addition, it has been argued that there are better uses for the site. Whilst these views are appreciated, it is the position of the Planning Committee to determine the application before them, and not alternative suggested uses other than what the site is allocated for. As such, this also cannot be a material consideration in the determination of this planning application.

Potential need for a substation

It is not yet clear whether a new substation will be required to serve the development. Should this be the case, the site of the substation will be outside the red line to which this application relates, and a new, full planning application will be required to be submitted.

6. Community Involvement

Concern has been raised within the local community that no public consultation has taken place regarding the scheme, prior to its submission. Councillors are advised that this is not a mandatory requirement, and the application itself has been subject to the statutory consultation procedures required through planning legislation. The applicant did however, seek to engage with the Local Authority prior to the finalisation of the scheme, taking advantage of the Council's pre-application advice service.

7. Conclusion

It is a matter of planning balance as to whether planning permission is granted using all aspects of policy and guidance. That is to say that even if all policy requirements have not been met, the overarching argument still applies as to whether the benefits of the scheme, outweigh the potential impacts of not meeting every policy requirement.

Therefore, whilst the site is allocated for housing in the current Local Plan and that the Council are currently unable to demonstrate a 5-year housing land supply, significant weight should be given to the positive contribution of this proposal to the policy objectives in the Local Plan for the town centre regeneration, the economy and tourism. The contents of this report have demonstrated that there are undoubtedly significant economic benefits to the proposed development, and it will not have an undue impact on the character and appearance of the area or neighbouring residential amenities. The proposal is therefore considered to be in accordance 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

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- **A Section 278 Agreement for off site highway improvements including**
 - **The proposed alteration of the existing access serving the site with dropped kerbs and tactile paving provided either side.**
 - **The provision of a separate pedestrian access into the site to link with the footway on the north side of Cornwallis Street.**
 - **The provision of a new pedestrian crossing to the west of the site on South Terrace.**
- **A Travel Plan Audit fee of £6000**

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions/infrastructure.

In the event that the Agreement is not completed by 19 July 2022, that the application be refused on the grounds that it does not comply with the relevant policies (policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above Grant Full Planning Permission subject to the following conditions

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:

5112-BAL-ZZ-00-DR-A-07-4001 (Site location plan)
5112-BAL-ZZ-00-DR-A-07-4002 Rev A (Existing site plan)
5112-BAL-ZZ-00drA-07- 4003 Rev B (Proposed block plan)
5112-BAL-ZZ-00-DR-A-07-4010 Rev A (Proposed site plan)
5112-BAL-ZZ-00-DR-A-07-4011 Rev A (Proposed ground floor plan)
5112-BAL-ZZ-01-DR-A-07-4012 Rev A (Proposed first floor plan)
5112-BAL-ZZ-02-DR-A-07-4013 Rev A (Proposed second floor plan)
5112-BAL-ZZ-03-DR-A-07-4014 Rev A (Proposed third floor plan)
5112-BAL-ZZ-04-DR-A-07-4015 Rev A (Proposed fourth floor plan)
5112-BAL-ZZ-05-DR-A-07-4016 Rev A (Proposed roof plan)
5112-BAL-ZZ-XX-DR-A-07-4020 Rev A (Proposed elevations, front and rear)
5112-BAL-ZZ-XX-DR-A-07-4021 Rev A (Proposed elevations, side)
5112-BAL-ZZ-XX-DR-A-07-4030 Rev A (Existing and proposed sections)
5112-BAL-ZZ-XX-DR-A-07-4040 Rev A (Proposed area schedules)
5112-BAL-ZZ-XX-DR-A-07-4050 Rev A (Proposed 3D views)
41701-JASSOC-PB-00-DR-ME-0001 P04 (Ground floor initial services proposals)
41701-JASSOC-PB-01-DR-ME-0002 P03 (First floor initial service proposals)
41701-JASSOC-PB-02-DR-ME-0003 P03 (Second floor initial services proposals)
41701-JASSOC-PB-03-DR-ME-0004 P04 (Third floor initial services proposals)
41701-JASSOC-PB-04-DR-ME-0005 P01 (Fourth floor initial services proposals)
41701-JASSOC-PB-RF-DR-ME-0006 P03 (Roof floor initial services proposals)
7767 (PV layout)

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.

Deliveries to, and waste collection from, the premises during normal operational procedures should only be undertaken between the hours of 08:00 - 19:00 on all days.

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

Monday to Friday: 05.30 - 23.00
Saturday and Sunday: 06.00 - 23.00

Drinks will be allowed to be served to residents of the hotel outside of these hours.

The hotel will be open 24 hours a day, 7 days a week.

5. Prior to the occupation of the development hereby approved, the vehicular access serving the development must be reconstructed in accordance with the approved drawing.
6. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
9. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
10. Development shall take place in accordance with the measures set out in the submitted Construction Environmental Management Plan (RGP, August 2021) unless the scheme(s), or programme(s) of measures contained within is otherwise first varied, by way of prior written approval from the Local Planning Authority. This must be implemented and adhered to in full throughout the entire construction period.
11. Prior to the commencement of any part of the development, a further indicative programme for carrying out the works set out in the approved Construction Environmental Management Plan (RGP, August 2021), together with details of the main site operator must be submitted to and approved in writing by the Local Planning Authority.
12. Prior to the commencement of any part of the development, should a tower crane be required for construction, a swept path analysis and further details must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
13. The submitted Travel Plan shall be in operation on occupation of development and thereafter. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3 and 5

years to be audited by the Highway Authority.

14. Development shall take place in accordance with the measures set out in the submitted Phase I and II Geotechnical & Geo-Environmental Investigation Report (Land Science, January 2020) unless the scheme(s), or programme(s) of measures contained within is otherwise first varied, by way of prior written approval from the Local Planning Authority. This is specifically relevant to the recommendation for further ground investigation to determine piled foundation parameters and for further gas monitoring and any gas protection options required. This should be undertaken and properly assess the risks to end user groups and should be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
15. Prior to the commencement of remediation works, a further Site Investigation Report detailing all investigation works and sampling on site together with the results analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Any approved remediation works, shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

16. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless

otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

17. The development hereby approved shall not be occupied until details of all roof plant and its enclosure, together with a further BS4142 assessment in relation to noise have been submitted to and approved in writing by the Local Planning Authority. This assessment should include any mitigation measures required so that any potential noise outbreak does not exceed the minimum background noise level between the hours of 07:00-23:00 and be at least -5db relative to the minimum background noise level between the hours of 23:00-07:00. The development shall therefore be implemented in accordance with the approved details and maintained thereafter.
18. Prior to the commencement of any part of the development, the applicant is required to secure the implementation of a Programme of Archaeological Works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
19. No phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post-investigation Assessment will be undertaken in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 above.
20. (i) Prior to the commencement of any part of the development, a detailed foul and surface water drainage strategy/system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage strategy/system shall incorporate the following:
 - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 9.3 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
 - b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
 - c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d) The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided as part of this submission.

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

And

(iii) No occupation of any of the development hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

21. Prior to the commencement of any part of the development, a Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The Management and Maintenance Plan shall cover the following:
- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

22. Prior to the commencement of any part of the development, details of measures to manage flood risk, both on and off the site during the construction phase must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
23. Prior to occupation of the development evidence (including photographs) should be submitted to and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed as per the final agreed detailed drainage designs approved pursuant to Condition 20 of this consent.
24. No development shall take place above ground until there has been submitted to and approved in writing by the Local Planning Authority a revised Scheme of Soft Landscaping, which shall identify of all existing trees and hedgerows on the land and include details of those to be retained, together with measures for their protection in the course of development.

New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. Details shall also include any earthworks proposed, their form, associated land levels, planting pits and soil type, and relationship to the wider landscape.

In this case, tree species within the car parking area should consist solely of London plane, and tree species within areas where space is restricted should consist solely of Turkish hazel.

25. All planting seeding or turfing comprised in the approved Soft Landscaping Scheme 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 prior written consent to any variation.
26. Where relevant, no development shall take place until the measures outlined in the following statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:
- Ecological Impact Assessment and accompanying Small Sites Metric (Ecology By Design, July 2021)
 - Emissions Mitigation Assessment (Air Quality Consultants, August 2021)
 - Proposed Lighting Strategy (Ansell Lighting, September 2021)
 - Landscaping and Green Roof Maintenance Management Plan (Brookes Architects, November 2021)

Subject to additional information required by Conditions 20-23 this will also include the Flood Risk, SUDS and Foul Drainage Assessment (Simpson TWS, August 2021)

27. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
28. Prior to occupation of the development hereby approved, details must be submitted to and approved in writing by the Local Planning Authority with regard to the provision of Electric Vehicle Charging Points. As a minimum, this should include:
- At least 8 Electric Vehicle Charging Points within the boundary of the car

parking area

The Electric Vehicle Charging Points shall thereafter be retained for that purpose.

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. To safeguard the amenity of adjoining and future residents.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of highway safety and the amenities of the area.
11. In the interests of highway safety and the amenities of the area.
12. In the interests of highway safety and the amenities of the area.
13. In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.
14. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. To safeguard the amenity of adjoining and future residents.
18. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
20. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
21. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
22. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
23. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
24. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
25. In the interests of the visual amenity.
26. To protect features of recognised nature conservation importance.
27. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
28. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.

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 applicant is advised that a separate licence will be required for the sale of alcohol for consumption in the bar and in the restaurant.

4. The applicant is reminded that sufficient management measures must be put in place by the hotel to ensure that guests are directed to the most appropriate public car parks once the hotel car park has reached full occupancy. Also, to encourage responsible parking the hotel should refund visitors the cost of the overnight parking ticket.
 5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
 6. The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
 7. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
 8. The applicant is reminded to implement measures as set out in Sussex Police's consultation response to ensure a safe and well planned development that addresses the principles of Secured by Design.
-

Officer to Contact

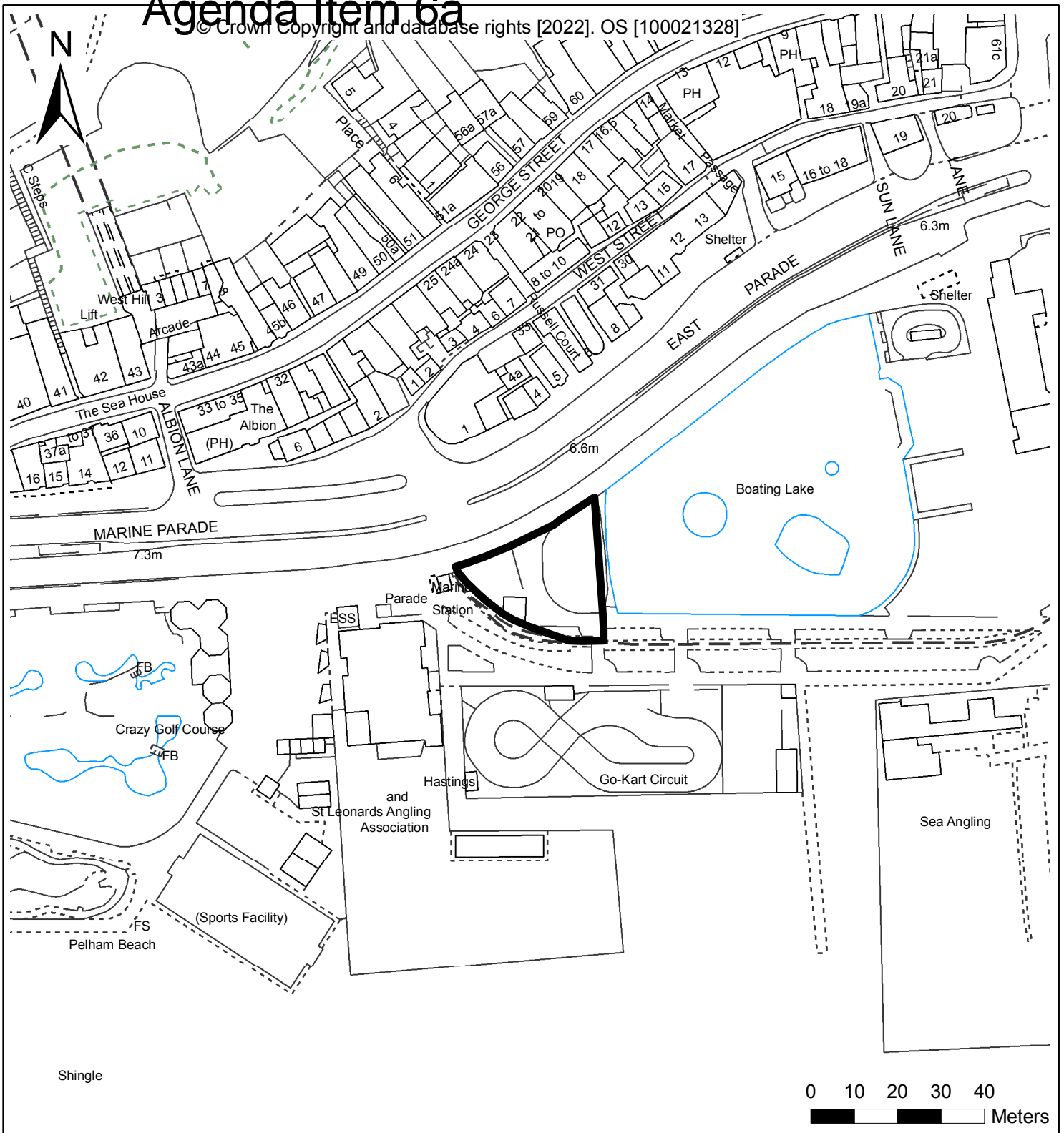
Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/21/00851 including all letters and documents

Agenda Item 6a

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The Stade Family Amusement Park
The Stade
Hastings
TN34 3AR

Proposed removal of low level walls.



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

Date: Feb 2022

Scale: 1:1,250

Application No. HS/FA/21/00979

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Report to: PLANNING COMMITTEE

Date of Meeting: 23 February 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR**

Proposal: **Proposed removal of low-level walls.**

Application No: **HS/FA/21/00979**

Recommendation: **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018
Conservation Area: Yes - Old Town
Listed Building: No

Applicant: Mr Lee per Baker Architectural Ltd 29 Stirling Road
Castleham Business Centre East St Leonards on
Sea TN389NP

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

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

1. Site and Surrounding Area

The Stade Family Amusement Park is located on the seafront in Hastings Old Town. Originally developed during the 1950's upon reclaimed land, the area is split between indoor, outdoor enclosed and outdoor open areas. The enclosed outdoor areas have family rides such as dodgems and a ghost train amongst other large installations. There are a number of low-level walls of modern construction found within The Stade Amusement Park.

These amusements carry a high communal value, are part of a traditional UK seaside offering and make a valuable economic contribution to the area.

The site is within the Hastings Old Town Conservation Area. A majority of the buildings located on the opposite side of East Parade are Grade II listed and the shelter located just to the north of the site is also Grade II listed.

Constraints

- Flood Zone 3
- Groundwater Flooding
- Surface Water Flooding 1 in 30
- Archaeological Notification Area
- Old Town Conservation Area
- GCN District Licensing Scheme IRZ Red

2. Proposed development

The site has numerous low-level brick walls of modern construction, and these define the rides from the public realm. This application seeks to demolish low level modern brick walls and these are shown as a straight blue line and an L shaped dotted blue line on drawing no. BA2160.05C. These walls are of modern construction and currently define the ride areas from the public realm. The applicant advises that the existing low-level walls are a trip hazard and serve no other purpose other than to separate the site from the existing pedestrian walkway. The applicant advises that following removal of the low-level walls they will relocate the existing kiosk under permitted development rights and install 4 new rides in its place under permitted development rights.

No changes are proposed to the existing pedestrian walkway. The Stade Family Amusement Park is currently accessed from East Beach Street and will remain unaltered. All parking provision will remain as is the current situation.

Some of the existing low-level walls have white painted railings installed adjacent to them. None of the brick walls that are proposed to be demolished have railings installed adjacent to them. The applicant advises that the existing railings are to be maintained in their current form and there are no intentions to remove them or alter them in any way.

The application is supported by the following documents:

- Design and Access Statement
- Waste Statement

Relevant and recent planning history

The site has a lengthy history which is as follows:-

- | | |
|----------------|--|
| HS/FA/21/00946 | Proposed extension and refurbishments to main building:
NOT YET DETERMINED. |
| HS/FA/18/01009 | Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and |

	erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty. GRANTED 06 March 2019.
HS/AA/18/00552	New illuminated signage to replace existing (Minor amendment to existing consent to display advertisement) GRANTED 09 August 2018.
HS/FA/18/00325	Alteration of existing shop front and installation of new awning and illuminated signage. GRANTED 08 June 2018.
HS/AA/18/00326	Alteration of existing shop front and installation of new awning and illuminated signage. New illuminated fascia signage to the north and west elevation. GRANTED 08 June 2018.
HS/EX/17/00104	Existing Use as an Amusement Park (Sui Generis) (Go Kart track) ALLOWED AT APPEAL 26 March 2018.
HS/FA/99/00620	Alterations and extension to office. GRANTED 26 November 1999.
HS/FA/99/00023	Erection of a small building to house six children's electric cars. GRANTED 26 February 1999.
HS/FA/99/00556	Refurbishment of existing cafeteria and amusement complex (building) to form family entertainment centre. GRANTED 26 November 1999.
HS/CA/94/00278	Demolition of existing amusements park buildings, rides etc. (proposal relates to redevelopment scheme HS/FA/94/279). REFUSED 04 August 1994.
HS/FA/94/00279	Redevelopment of site, buildings, boating lake and infrastructure as new amusement park including the rides and leisure facilities and relocation of bus shelter (94/278 demolition application also applies). REFUSED 04 August 1994.
HS/FA/86/00891	Reclamation and development of approximately 0.12 HA of the boating lake for recreational uses. GRANTED 16 October 1987.
HS/FA/83/00116	Operation of water tricycles and pedal operated cars. GRANTED 06 April 1983.
HS/FA/83/00330	Reclamation and development of approximately 0.195 hectares of The Boating Pool for recreational purposes. GRANTED 20 July 1883.
HS/FA/81/00360	Erection of pavilion in Boating Lake. GRANTED 22 July 1981.
HS/FA/78/00035	Installation of portable dodgem track. GRANTED 01 March 1978.
HS/FA/75/00137	Continuation of planning consent 74/379 for Junior Go-Kart track, installation of additional track, erection of ranch-type fencing. GRANTED 09 April 1975.
74/00379	Continuation of Planning Consent 70/241 for Junior Go-Kart Track GRANTED 01 May 1974.
72/1236	Erection of cafeteria. GRANTED 29 September 1972
71/1457	Family amenity area boating, putting, rides and equipment catering and souvenir sales. GRANTED 11 January 1972.

60/0441	Erection of 5 lean-to portable kiosks. GRANTED 14 June 1960.
59/0230	Proposed new miniature railway terminal station, waiting room, ticket office, platform and extension of existing track. GRANTED 14 April 1959.
HS/FA/57/00677	Erection of amusements building. GRANTED 08 January 1957.

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy EN1 - Built and Historic Environment
 Policy FA5 - Strategic Policy for the Eastern Area
 Policy FA6 - Strategic Policy for the Seafront
 Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
 Policy E4 - Tourism and Visitors

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
 Policy DM1 - Design Principles
 Policy DM3 - General Amenity
 Policy DM4 - General Access
 Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
 Policy HN2 - Changing Doors, Windows and Roofs in Conservation Area
 Policy HN3 - Demolition involving heritage assets
 Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
 Policy CQ1 - Cultural Quarter

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph - 54 Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 52 Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;

- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

National Planning Policy Framework (NPPF)

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):-

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

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

Paragraph 199 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 200 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:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- 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 201 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:

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

Paragraph 202 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 203 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 206 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."

3. Consultation comments

Conservation Officer – No objection subject to the imposition of a condition seeking to retain the existing railings in their current form (Condition 4).

Nature Space – No objection.

Marketing and Projects Manager – No objection

Estates Manager – No objection.

4. Representations

In respect of this application 3 x site notices were displayed in front of the site along East Parade and an advert placed in the local paper. 17 Objections were received raising the following concerns:-

- Will the iron railings be removed?

- The 4 rides proposed will be too cramped.
- Attention should be paid to the safety aspects of this part of the proposal.
- These works will result in the closure of the public access to the east end of the park.
- The new location of the kiosk means it serves directly onto the pavement which is already a pinch point ESCC need to be consulted.
- Parking is mentioned but there is no allocated parking.
- The height of the new rides has not been specified.
- The impact on the conservation area has not been assessed.
- Natural England needs to be consulted.
- This is a flood risk area and Environment Agency needs to be consulted.
- The existing walls delineate the access to the public walkway and this will be lost.
- The rides are too close to the jetty.
- Any removal of these walls will allow removal of the walls along the seafront. and those around the Swan Pedalo Lake.
- New height restrictions of the walls are shown.
- The application allows further closure of the public access to the beach by allowing for the closure of the access path between the Hastings Miniature Railway terminus and the 'temporary kiosk' owned by the applicant.
- The independently run Miniature railway has its terminus at this end of the beach and the proposed changes to the wall and fences may result in closure to this long running, family friendly attraction.
- Can clarification be sought on the employment figures.
- None of the rides provide enjoyment for disabled visitors.
- The site will remain inaccessible to disabled users.
- This development will allow expansion that is not in keeping with the heritage of the Old Town.
- This will lead to an increase in crime, antisocial behaviours, and will make the area less safe for children.
- Holiday makers will overcrowd queueing for ice cream due to the relocation of the kiosk to face the footway of the main road at the junction of 2 footpaths.
- The seafront will be overwhelmed by the expansion of this site and The Old Town and the economy in it will suffer.
- The low-level walls are part of the historic character of the seafront and their loss is regrettable.

The application has been called in to the Planning Committee by Councillor Hilton for the following reasons:

- ESCC Highways need to be consulted.
- Conservation officer needs to be consulted. Historic England needs to be consulted.
- This is an ANA (Archaeological Notification Area) – County Archaeology needs to be consulted.
- This is a flood risk area SUDS - Environment Agency need consulting.
- Effect on blocking pavement – congestion point. The new location of the kiosk will mean it serves directly onto the pavement which is already a pinch point (pavement temporarily widened during 2020 covid crisis).
- Height of new rides not specified – effect on conservation area/listed buildings?

- Permission from the Foreshore Trust for these new rides obtained.
- Guaranteed that public access will be maintained 24/7.
- Are walls property of amusement park or HBC? Ownership? What about railings?
- HER assessment in conservation area/ listed buildings. Heritage statement required.
- Parking is mentioned. There is no allocated parking – cars park on the public access areas currently – require this to be conditioned.

5. Determining issues

The main considerations are the principle of development, the impact of the loss of the existing low-level brick walls on the character of the Old Town Conservation Area and setting of nearby Listed Buildings, the impact of the development on pedestrian access and safety, impact on neighbour amenity, impact on Great Crested Newts and flooding matters.

The Planning (Listed Building and Conservation Areas) Act 1990 states with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

a) Principle

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

The principle of improving / extending The Stade Amusement Park would be in accordance with Policy E4 of the Local Planning Strategy (2014).

b) Impact on character and appearance of the Old Town Conservation Area and setting of nearby Listed Buildings

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

- *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.*
- *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)’.

The National Planning Policy Framework (NPPF) seeks to protect designated heritage assets and the impacts proposed developments have on them. The NPPF states that the significance of the heritage asset can be harmed through development within its setting and great weight should be given to the asset's conservation, and also advises that when less

than substantial harm is made to the heritage asset, this harm should be weighed up against the public benefits of the proposal.

The application site lies within the Old Town Conservation Area and within the setting of numerous Listed Buildings. A majority of the buildings located on the opposite side of East Parade are Grade II listed and the shelter located just to the north of the site is also Grade II listed. Whilst the low-level walls are fully visible from the Old Town Conservation Area and the setting of numerous listed buildings, they are of modern construction and only serve to define ride areas from the public realm. As such they do not make a contribution to the special character of the Old Town Conservation Area and the setting of listed buildings. Therefore their loss would not detract from the historic significance of the character and appearance of the Old Town Conservation Area and the setting of nearby Listed Buildings.

The applicant confirms that the existing historic railings are to be retained in their current form and there is no intention to make changes to or remove them. Given this, it is considered that the proposed demolition of the existing modern low-level walls outlined by blue dotted lines on drawing no.BA2160.05C would not detract from the historic significance of the Old Town Conservation Area and the setting of the listed buildings nearby, and as such the proposed development would be in accordance with Policy EN1 and E4 of the Planning Strategy and Policies DM1, HN1, HN2, HN4 and CQ1 of the Development Management Plan and the aims and objectives of the NPPF. The views of the Conservation Officer have been sought and they concur with this assessment subject to the existing railings being retained in situ in their current form (Condition 4).

c) Pedestrian access and safety

This application does not seek to make any changes to the existing pedestrian walkway or footpath. The applicant has confirmed this by email and has submitted drawing no. BA2160.06 to confirm this. This drawing shows the location of the footpath as approved under ref HS/FA/18/01009, and the low-level brick walls that are proposed to be demolished under this planning application (shown in blue dotted lines on drawing no. BA2160.05C). Given this, it is not considered that pedestrian access and safety will be harmfully affected by the proposed development.

It is noted that a number of the local residents have referred to the existing walkway through the site (adjacent to the boating lake) from the beach to the A249 as a designated Public Right of Way and they raise concern that the walkway will be lost as a result of the proposed development. East Sussex County Council records indicate that the walkway has not been formally adopted as a Public Right Of Way. For clarity this walkway is not a public right of way. The right of way is 'by right' and not 'as of right', which means that the right is given by the owner of land to the public and can potentially be taken away again. A formal request was made to East Sussex County Council many years ago by members of the public to make the pathway a 'right of way'. This application was refused by East Sussex County Council. The refusal was then appealed against and the appeal was lost.

In this current application and as discussed herein the applicant confirms that they do not seek to make any changes to the existing walkway/footpath.

d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that 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. This includes 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.

The proposed removal of the low-level modern brick walls (shown as blue dotted lines on drawing no.BA2160.05C) would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and the available separation distances from residential properties. Given this, it is considered that the proposed development would be in compliance with NPPF policies and policy DM3 of the Hastings Development Management Plan 2015.

e) Impact on Great Crested Newts

The development falls within the red impact risk zone for Great Crested Newts. In the red zone there is suitable habitat and a high likelihood of Great Crested Newts presence. Whilst there is a pond within 500m (boating lake) of the application site, there is very limited connectivity between the site and boating lake and the area in-between the two consists of hardstanding. Given the size of the proposed development and that there is lack of connectivity to the nearby pond (boating lake) it is considered that a development as proposed would not cause any impact on Great Crested Newts. As such it has not been found necessary to consult Natural England.

f) Flood Risk

Whilst the site is in an area of identified risk from surface water flooding, the demolition of the existing low level modern brick walls (shown as blue dotted lines on drawing no.BA2160.05C) will not cause harm or increase risk to safety significantly beyond the current situation. Given this the development is therefore considered to be acceptable. For this reason, it has not been found necessary to consult the Environment Agency on this development proposal.

g) Other matters

Neighbours raise concerns that various consultees should have been consulted on this planning application. Officers confirm that the correct procedures have been followed with regard to consulting with statutory consultees and in considering representations. All relevant consultees have been consulted and their comments have been taken into account in the assessment of this planning application. In addition, neighbours raise concern that planning permission has not been sought for the relocation of the kiosk and the installation of the 4 new rides. Officers advise that this is Permitted Development under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows (a) the erection of booths or stalls or the installation of plant and machinery to be used for or in connection with the entertainment of the public within the amusement park, and (b) the extension, alteration or replacement of any existing booths or stalls, plant or machinery used. As such Planning Permission is not required for this.

6. Conclusion

Policy E4 of the Planning Strategy (2014) advises that the upgrading of tourist facilities in the Borough will be encouraged where it increases the range and/or quality of tourist facilities. Given this it is considered that the principle of improving this tourist facility is supported by

policies.

The low-level modern walls that are proposed to be demolished (shown as blue dotted lines on drawing no.BA2160.05C) are of modern construction and currently do not make any contribution to the historic significance of the Old Town Conservation Area and the setting of nearby Listed Buildings. As such there is no objection to their loss. The applicant confirms that the existing historic railings are to be retained in their current form and there is no intention to make changes to or remove them.

The concerns raised by neighbours are noted, in particular the concerns about the impact of the development on the appearance and character of the Conservation Area and nearby Listed Buildings, the impact on the existing pedestrian walkway, the impact on the existing parking situation, matters relating to accessibility of the site to disabled users, flood risk matters, and matters relating to antisocial behaviour. These matters have been carefully assessed within this report and Planning officers are of the opinion that the demolition of the existing modern walls (shown as blue dotted lines on drawing no.BA2160.05C) would not cause harm to any of these matters.

As such 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:

BA2160.03, BA2160.04, BA2160.05C and BA2160.06.

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 existing railings shall be retained in their current form, and this decision shall not be construed as granting Planning Permission for alterations to, or removal of the railings.

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 historic integrity of the Old Town Conservation Area and the setting of nearby Listed Buildings.

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 applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill Great Crested Newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should Great Crested Newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

Officer to Contact

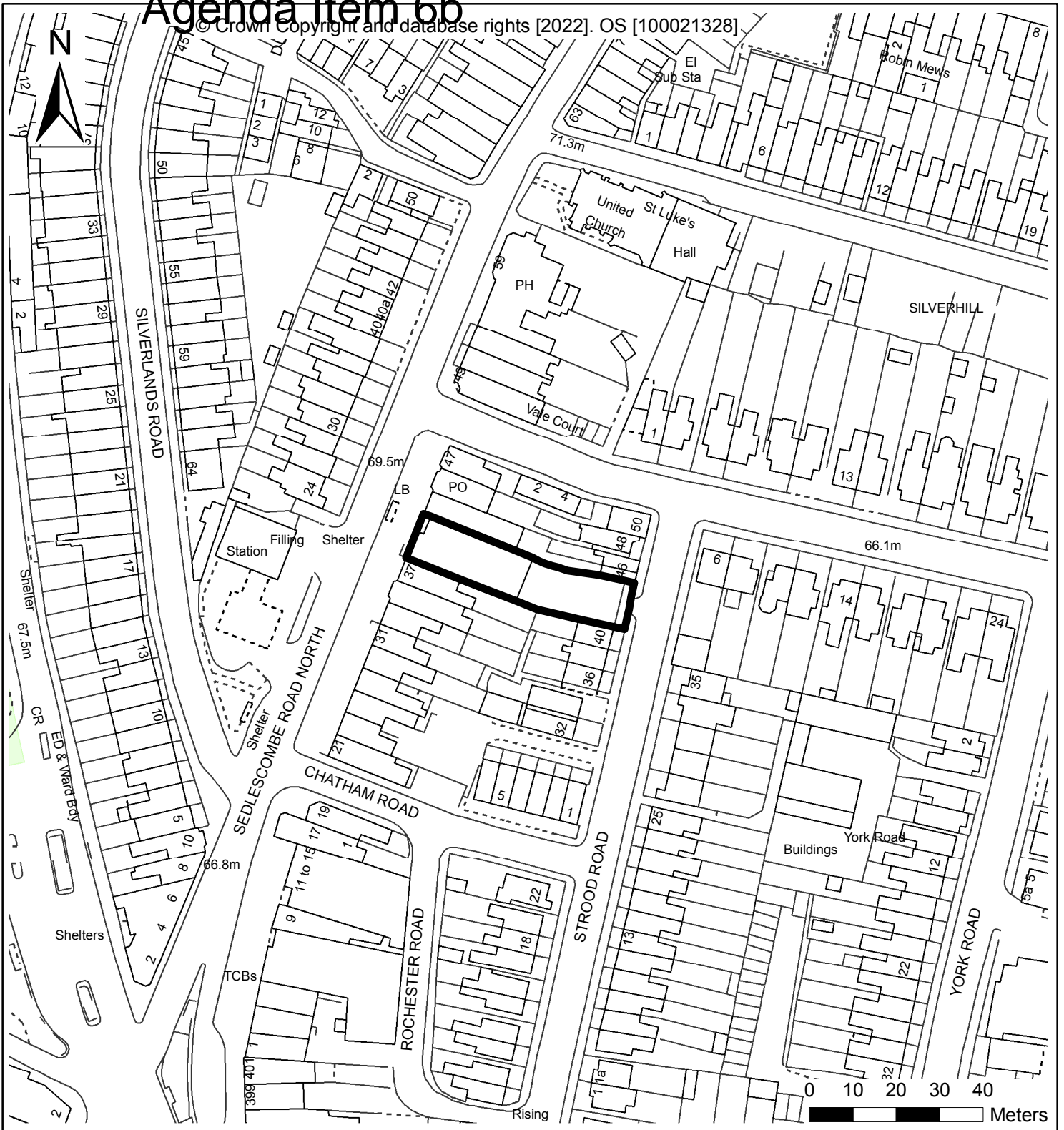
T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/21/00979 including all letters and documents

Agenda Item 6b

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39-41 Sedlescombe Road North
St Leonards-on-sea
TN37 7DA

Change of use of retail (E use class) into restaurant (E use class) and takeaway (Sui Generis) including installation of extraction flue system to rear, new shop front and new signs



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

Date: Feb 2022

Scale: 1:1,250

Application No. HS/FA/21/00824

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Report to: PLANNING COMMITTEE

Date of Meeting: 23 February 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **39-41 Sedlescombe Road North, St Leonards-on-sea, TN37 7DA**

Proposal: **Change of use of retail (E use class) into restaurant (E use class) and takeaway (Sui Generis) including installation of extraction flue system to rear, and new shop front.**

Application No: **HS/FA/21/00824**

Recommendation: **Grant Full Planning Permission**

Ward: SILVERHILL 2018
Conservation Area: No
Listed Building: No

Applicant: ASAP BUSINESS LTD per DELTA TECH LTD
86-90 PAUL STREET LONDON EC2A 4NE

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	13
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

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

1. Site and surrounding area

The site is located on the eastern side of Sedlescombe Road North and consists of a three-storey middle terrace building. The ground floor of the premises is in use for A1 retail (Pharmacy) but is currently vacant and the first floor is currently used as store rooms and an office ancillary to the ground floor retail use. To the rear of the site is a large service courtyard located between two residential properties and is accessed from Strood Road. The

front portion of the application site is located within the Silverhill Shopping Area. The building is of a modern character and appearance being formed of facing brick at first floor, render at second floor and the ground floor has a shop front.

The properties along this part of Sedlescombe Road North have ground floors in commercial use and most of them have residential accommodation on the upper floors.

Constraints

Silverhill Shopping Area.

2. Proposed development

The application requires change of use of the building from a retail shop (Class E use) (formerly a pharmacy) into a restaurant (Class E use) and a hot food takeaway (Sui Generis), together with the installation of an extraction flue system to the rear elevation of the building, and the installation of a new shop front and new signs advertising the restaurant and takeaway business. This application is accompanied by an application to display the proposed shop signs ref HS/AA/21/00825. The application to display shop signs will be determined under delegated powers in accordance with the Council's Constitution once Members have decided the acceptability of the associated development which is the subject of this planning application.

The opening hours for the restaurant and takeaway will be 08:00 to 23:00 Monday to Sunday.

The application seeks permission for the following uses, as defined by the Town and Country Planning (Use Classes) (England) Order 1987 (as amended):

Class E

- E(b) Sale of food and drink for consumption (mostly) on the premises (previous A3)

Sui Generis

- Takeaways (previous A5)

Under the new Use Class Order 1987 (as amended) cafés and restaurants fall within the same use class as retail use, Class E, and this is permitted development and as such planning permission is not required to use the premises as a cafe/restaurant (with food consumption on the premises).

However, the use of the premises for hot food takeaway (Sui-Generis use) requires Planning Permission.

Delivery Service

The hot food takeaway service will be accompanied by a delivery service. The applicant advises that the delivery service will be done using scooters, bicycles, hybrid or full electric vehicles and this will be done via app based delivery companies.

The applicant advises that there will be no consumption or selling of alcohol on or off the premises.

Shop front

The existing shop front is of aluminium frames with a glass panel and the application seeks to use the same material but make changes to the design of the shop front and form two entrances.

Parking

The site currently has 5 car parking spaces within the service yard and proposes to use these spaces for the proposed development.

Employment

The proposed development will generate employment for 10 full time staff and 5 part time staff

Shop Signs

1x fascia sign and 1x projecting/hanging sign are proposed and these are dealt with under an associated application HS/AA/21/00825 under the Advertisement Regulations.

Amended drawings were received on 24 December 2021 realigning the proposed front entrance doors with the first-floor windows, and the addition of an existing first floor window front elevation window following concerns raised by Planning Officers.

The application is supported by the following documents:-

- Design and Access Statement
- Noise Impact Assessment
- Odour Management Plan – FireAway
- Odour Management Report – Peri Peri Unit

Relevant planning history

- HS/AA/21/00825 - Installation of front fascia signs and projecting signs as part of change of use and new shop front application HS/FA/21/00824 – Pending consideration.
- HS/FA/20/00268 - Roof extension to existing building and conversion of upper floors, including dormer and inset balconies, creating no. residential flats (maintaining ground floor retail unit) and erection of 1no. 1-bedroom house to the rear of site including associated parking, cycle stores and bin stores - Granted 05/08/2020.
- HS/AA/09/00516 - 1 off internally illuminated folded aluminium fascia with fret cut text & logo (only text & logo illuminate) 1 off internally illuminated folded aluminium projection sign with fret cut text & logo (only text & logo illuminate). Granted. 3.9.2009.
- HS/FA/86/00085 - Change of use of part of ground floor of shop to restaurant. Granted. 9.4.1986.
- HS/FA/78/00159 – Erection of temporary workshop building. Granted. 3.5.1978.
- HS/AA/81/00103 – Erection of 35'0" x 2'6" illuminated fascia sign. Granted. 2.3.1981.
- HS/DS/69/00882 - Erection of supermarket with store and staff rooms over. Granted. 26.9.1969.
- HS/OA/69/00542 - Site for erection of supermarket with store and staff rooms over. Granted. 11.7.1969.
- HS/FA/50/00558 - Removal of boundary wall Concreting of whole of front forecourt.

Forecourt to be used for the sale of greengroceries and fruit. Granted. 10.10.1950.

- HS/FA/55/00143 - Alterations and change of use from dwellinghouse to shop with flat over. Granted. 12.4.1955.

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Policy E3 - Towns, Districts 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 DM6 - Pollution and hazards

Policy SA2 – Other Shopping Areas

Policy SA3 - Shops and Services outside the Shopping Areas

Policy SA4 - Drinking Establishments and Hot Food Takeaways

Other policies/guidance

National Design Guide.

Air quality and emissions mitigation guidance for Sussex (2020) .

Supplementary Planning Document: Parking Provision in New Developments (SPD).

Supplementary Planning Document (SPD) - Shopfronts and Advertisements 2007.

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 8 of the NPPF sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Paragraph 9 of the NPPF 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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan

without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 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

in order to create attractive, welcoming and distinctive places to live, work and visit.

- optimise the potential of the site to accommodate an appropriate number and mix of development
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or

community cohesion and resilience

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 185 of the NPPF states that planning decisions should 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; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Hastings Borough Council Environmental Health Team - **No objection.**

Hastings Borough Council Licensing Team - **No objection.**

4. Representations

In respect of this application a site notice was displayed in front of the site near the bus stop and 13 letters of objection were received raising the following concerns:-

- locals are facing an obesity crisis and it should not be Council policy to encourage more unhealthy food outlets in an area such as Silverhill.
- the area needs a greater variety of shops and services and not more food outlets.
- there will be a high number of fast-food restaurants in the area and within close proximity of each other in this location.
- healthy living should be encouraged.
- the shop is reasonably sized and could be better used as community space.
- there is a lot of litter in the area as a result of fast-food outlet packaging and the proposal will make the situation worse.
- the existing food outlets have hygiene issues and situation will be exacerbated.
- additional food outlets will create more public hygiene issues including vermin on local streets.
- there is an Asda store nearby which has take-out pizza and a café to be opened soon and on Silverhill there are a number of fast-food outlets such that the proposed

development is not needed.

- more diversity and variety of retail trade and choice for shoppers should be encouraged.
- concentration of such uses in one location makes the place look unsightly especially outside normal trading hours, and such uses do not encourage foot traffic.
- concerns are raised on grounds of public hygiene, public health and public nuisance and the unnecessary increase in fast food outlets.
- Silverhill already has litter problems, illegal parking, odours, vermin, food waste disposal problems, and traffic interruption; the proposed use will exacerbate these problems.
- illegal parking is a concern around this area when customers park on pavements and forecourt etc and this puts danger on pedestrians.
- Vale Road is already busy with cars pulling up to get takeaways and allowing this use will exacerbate existing problems.
- presence of fast-food outlets has stifled local retail businesses and changed the character of the area from a thriving parade to one which is deserted in the day and becoming a takeaway city at night.

5. Determining issues

This application proposes change of use of the ground floor shop from A1 retail use (now Use Class E) to other uses. Some of the uses are permitted development and do not require planning permission.

The application seeks permission for the following uses, as defined by the Town and Country Planning (Use Classes) (England) Order 1987 (as amended):-

Class E

- E(b) Sale of food and drink for consumption (mostly) on the premises (previous A3).

Sui Generis

- Takeaways (previous A5).

The change of use from Class E(a) retail use to Class E(b) restaurant use is permitted development as the two uses fall within the same use group and as such Planning Permission is not required for this.

The change of use from Class E(a) retail use to a takeaway (Sui Generis use) requires planning permission.

Given the above, the main considerations therefore are the acceptability of the principle of the proposed takeaway use in this location, the impact on the character and appearance of the area, the impact on neighbouring residential amenities, refuse storage matters, and highway parking and safety matters.

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 reasonable/good 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) Layout

The application proposes to internally subdivide the shop front such that it is subdivided into two self-contained units (nos. 39 and 41), each with its own front entrance door and each door leading into a restaurant (with seating) and a takeaway area, a counter and a kitchen. The rear of the premises will remain as a utilities area where there will be customer toilets and staff rooms that will be shared by the two units. The changes to the internal layout of the premises will result in changes to the shop front to enable the insertion of two front entrance doors and subdividing the premises into two units. There is no principle objection to the proposed premises layout.

c) The principle of change of use of the premises to a hot food takeaway (Sui Generis and previously A5 use)

Members are requested to be aware that at present restaurants can deliver and provide takeaway food as part of the Covid legislation in place, and that is being extended until March 2022, with the possibility of becoming permanent at a later date. With this in mind, and the added issue of a premises being empty, resulting in an unwelcoming appearance within the streetscene, it is considered that the use of the premises is welcomed and will bring the shopfront back to life. At this time the Government is encouraging businesses to thrive in this current situation and as there are already many empty shops in the area, it is valued when a new business is open.

Policy E3 of the Hastings Local Plan - Hastings Planning Strategy (2014) advises that within the Town, District and Local Centres the vitality and viability of the Town and District Centres will be maintained and, where appropriate, enhanced. Amongst others, measures will include safeguarding the appearance, safety and environmental quality of the centre; encouraging diversity of uses within the centre and the provision of a wide range of retail, leisure, social, educational, arts, cultural, residential and commercial uses; promoting the use of vacant buildings; and maintaining and enhancing access to the centre by sustainable modes of transport and encouraging multiple purpose trips. This is reiterated by Policy FA2 of the Hastings Local Plan - Hastings Planning Strategy (2014) which amongst other things seeks to protect and enhance Silverhill as a District Centre. Given this it is considered that there is a general support for non-retail uses in these areas such as cafes, restaurants, takeaway shops as to bring back empty buildings into use and to ensure viability and vitality of Silverhill District Centre.

As such it is considered that the proposed change of use would bring a vacant unit back into a positive use that would enhance the vitality and viability of this part of Silverhill District Centre in accordance with Policy E3 and FA2 of the Hastings Local Plan - Hastings Planning Strategy (2014), and the aims and objectives of the NPPF.

In addition, the application site is located within the Silverhill shopping area and the application relates to a ground floor A1 use. Policy SA2 of the Hastings Local Plan - Hastings Planning Strategy (2014) advises that within the District, Local and neighbourhood Primary

Shopping Areas, as defined on the Policies Map, at ground floor level, proposals for Class A1, A2, A3, A4, A5 and other uses appropriate to the character of the shopping area will be permitted provided:-

- a) The area would not result in non-A1 uses exceeding the stated proportion for each of these shopping areas (Silverhill – no more than 45% non-A1 uses)
- b) The proposal will not result in the excessive concentration of non-A1 uses which would cause a significant interruption in the shopping frontage, reducing its attractiveness and thus harming the vitality and viability of the centre as a whole.

In the last Planning Application ref HS/FA/20/00268 it was agreed that whilst this shopping area has now reached or exceeded the threshold set out in criterion (a). Policy SA2 precedes the current NPPF. The NPPF considers retail centres, and places an emphasis on flexibility, the ability to “respond rapidly to change” and the changing climate of shopping habits. This advice is also reflected in the PPG. In addition, information from a range of national studies indicate that due to a long term change in shopping habits, percentage thresholds may restrict the overall vitality of town centres. The general position is that town centres must “find a focus other than retail in order to survive” (UK Parliament, 2019).

The Borough Council’s own monitoring and emerging research in respect of Hastings town centre and other shopping areas in the Borough now suggests that less weight should be attached to the criterion (a) of Policy SA2 and a more qualitative approach is needed. Furthermore, that continuing to implement a percentage threshold could have unintended consequences and become harmful to the vitality of these centres.

The aims of Policy SA2 are reiterated by Policy E3 of the of the Local Planning Strategy and the aims and objectives of the NPPF as detailed herein. It is not considered that the proposed hot takeaway use will result in an excessive concentration of non-A1 uses which would cause a significant interruption in the shopping frontage, reducing its attractiveness and thus harming the vitality and viability of the centre as a whole. Given this, a development as proposed complies with Policy E3 of the of the Local Planning Strategy (2014) and Policy SA2 of the Hastings Local Plan - Hastings Planning Strategy (2014).

Furthermore, Policy SA4 of the of the Hastings Local Plan - Development Management Plan (2015) Local Planning Strategy (2014) advises that planning permission for hot food takeaways will be granted provided that certain criteria is met:

- a) The precise nature of the proposed use (which should be specified in the planning application), including opening hours is given;
- a) The proposal would not adversely affect neighbours, for example causing excess noise or odour; (discussed in paragraph e) of the report).
- b) The proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder; (discussed in paragraph e) of the report).
- c) Suitable off-street parking is or can be provided where there is insufficient on street parking and; (discussed in paragraph f) of the report).
- d) It would not cause inconvenience or danger on the public highway as a result of the additional shopping and manoeuvring of vehicles; (discussed in paragraph f) of the report).

The precise nature of the proposed use has been detailed by the applicant and they propose to use the ground floor of the premises as a restaurant and takeaway premise. The applicant advises that the use will operate from 08:00 to 23:00 hours Monday to Sunday and that there

will be no sale of alcohol on the premises or for consumption off the premises. Provided criteria b-e of Policy SA4 of the Hastings Local Plan - Development Management Plan (2015) is met, a use as proposed may be acceptable in this location. Criteria b-e of Policy SA4 are discussed in detail herein.

A takeaway within this location would increase footfall along Sedlescombe Road and positively contribute to the vitality and viability of the Silverhill Shopping Area. This use will contribute to the aims of Policy SA4 of the Hastings Local Plan - Development Management Plan (2015) 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 locals and visitors, and improve the vitality of the area.

The Licensing Team have been consulted on this application and have stated that under the Licensing Act 2003, if the premises as a restaurant, is intending to sell alcohol for consumption on the premises by customers eating, or as the off sale of alcohol with hot food takeaway ordered meals, at any time, a full application for a premises licence will be required to authorise that licensable activity. In addition, if takeaway hot food is intended to be sold, from 23.00 hours, until any terminal time up until 05.00 hours the following day, it will require authorisation for late night refreshment under the Licensing Act 2003 by submission of an application for a premises licence. The applicant can be informed by an informative if planning permission is given for this development. In addition, the opening hours of the premises should be conditioned if planning permission is given for this development (Condition 3).

Neighbours concerns regarding antisocial behaviour are noted. Given that the applicant advises that no alcohol will be served at any time on the premises or for consumption off the premises, if planning permission is given for this development it is recommended that a condition is imposed to ensure this element is not breached (Condition 5).

d) Impact on character and appearance of the area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) sets out that development must reach a good standard of design, which protects and enhances local character.

The application proposes alterations to the existing shop front. The Supplementary Planning Document (SPD) - Shopfronts and Advertisements SPD 2007 for shop fronts (listed herein) advises that the shop front should respect the form and character of the upper floors and should be seen as an integral part of the façade. The existing shop front is of aluminium frames with a glass panel and the application seeks to use the same material but make changes to the design of the shop front and form two entrances. The application proposes to internally subdivide the shop front such that it is subdivided into two self-contained units (nos. 39 and 41) each with its own front entrance door, and each door leading into a restaurant (with seating) and a takeaway area, a counter and a kitchen. The premises would be internally subdivided so that it operates as two units. Revised drawings were received on 24 December 2021 showing a realignment of the proposed front entrance doors with the first-floor front elevation windows of the premises following concerns raised by Planning officers. It is considered that the proposed shop front as amended respects the form and character of the upper floors and would be viewed as an integral part of the façade, thereby complying with the Supplementary Planning Document (SPD) - Shopfronts and Advertisements SPD 2007 and Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

The application also proposes the installation of an extraction flue system at the rear of the premises. The rear of the application building is visible from Strood Road and whilst the extraction flue will be visible from Strood Road, it will not be any different from other extraction flues that are found along this street serving the Silverhill Shopping Area. Given this it is not considered that an extraction flue as proposed would cause visual harm to the existing street scene, and as such it is considered that the development complies with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) requires new development to avoid any adverse impact on the amenity of neighbouring properties.

With regards to noise, nuisance and disturbance to nearby residential properties, it is considered that the site is located in a mixed-use area within a District Shopping Area and there are residential properties nearby. Given this, and that the premises can be used as a restaurant without planning permission, it is considered that any impact caused by the proposed takeaway use would not be any worse than impact caused by a restaurant use and other nearby commercial and non-retail uses.

Concerns raised by neighbours regarding odour, noise, nuisance, and litter problems that would be generated by the proposed use are noted. The use of the premise as a restaurant is already considered to be a permitted use (not requiring Planning Permission). In addition, as already discussed herein, at present restaurants can deliver and provide takeaway food as part of the Covid legislation in place, and that is being extended until March 2022, with the possibility of becoming permanent at a later date.

The applicant has submitted a Noise Impact Assessment, an Odour Management Plan – FireAway and an Odour Management Report – Peri Peri Unit to justify the proposed development. This reports answers neighbours' concerns regarding the noise impact of the proposed development on neighbouring properties. The Council's Environmental Health team have been consulted and they advise that the submitted justification is extensive and satisfactory and there is no objection to the development. However, they advise that if planning permission is given for the development the applicant is advised about food safety and health and safety requirements. To ensure that neighbour amenity is protected from noise, odour, and nuisance, it is also recommended that if planning permission is given for this development a condition is imposed requiring development to be carried out in accordance with the submitted Noise Assessment and Odour Control Scheme. (Condition 6).

In view of the above, due to the nature and scale of the proposal and its location within a mixed commercial and residential area, it is not considered the proposals will have any harmful impact upon these neighbouring sites. The proposed use as restaurant and takeaway are considered reasonably suitable and compatible within this location, notwithstanding the Use Class Order 1987 (as amended) that allows uses within business and commercial under Class E as follows:-

E(a) Shops (previous A1)

E(b) Restaurants and cafes (previous A3)

It should be noted that this site has Planning Permission under ref HS/AF/20/00268 to construct a roof extension and to convert the first and second floors of this building to 2 x two-bedroom flats. This permission has not been implemented. However, if this planning

permission is implemented there will be a need to provide an acceptable living standard for future occupants of these flats, and as such it would be necessary to noise insulate the internal floor between the ground floor and the first floor so as to minimise noise impact on future occupiers of the flats to acceptable standards.

If planning permission is given for this development, it is recommended that a condition should be imposed requiring appropriate sound insulation for the internal floor from potential noise, nuisance and disturbances from the commercial use below so as to mitigate any noise impact from the commercial use at ground floor level to acceptable standards (Condition 7).

As such it is considered that there would not be any significant harm to residential amenity as a result of the proposed development, and that the proposed use would be in line with the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

f) Highway safety/parking

The application site is located within a highly sustainable location which is readily accessible by public transport. The site has onsite parking provision for 5 vehicles at rear of the premises and there are opportunities for on street parking on nearby streets.

Given this, it is considered that the proposals will not result in harm to the existing highway network and parking situation and as such the proposed development complies with Policy DM4 of the Hastings Local Plan - Development Management Plan (2015).

g) Waste storage and collection

Policy DM3 of the Hastings Local Plan - Hastings Development Management Plan (2015) states proposed development should provide adequate space for storage of waste and the means for its removal.

Waste is to be securely and safely stored at the rear of the building until it is collected. Any lightweight materials are to be either bundled together or placed in waste sacks to prevent them from blowing away. Liquid waste such, as liquid solvents are to be stored in containers to ensure that they do not leak or escape. Any waste that can be recycled such as cardboard, wood and plastic etc is to be separated from non-recyclable waste and is to be taken to the local recycling point.

Secure collection and storing of waste should be conditioned if planning permission is given for the proposed development (condition 4).

Neighbour concerns regarding litter problems in the area are noted. Planning Officers recommend that if Planning Permission is given for the development the applicant should be informed that they should place a refuse bin for customers at front elevation of the building, and this refuse bin should be emptied regularly.

6. Conclusion

The application property is currently a vacant store and the proposed restaurant and takeaway use would bring the store back into use and will help ensure a viable use occupies the store in line with the Borough Council's Policies for commercial uses. However, it should be noted that under the new Use Class Order 1987 (as amended) cafés and restaurants fall within the same use class as retail use, Class E, and as such the proposed restaurant is permitted development and as such planning permission is not required for this. Use of the premise as a takeaway unit requires planning permission. However, at present restaurants

can deliver and provide takeaway food as part of the Covid legislation in place, and that is being extended until March 2022, with the possibility of becoming permanent at a later date. With this in mind, and the added issue of a premises being empty, resulting in an unwelcoming appearance within the streetscene, it is considered that the use of this premises is welcomed and will bring the shopfront back to life. At this time the Government is encouraging businesses to thrive in this current situation and as there are already many empty shops in the area, it is valued when a new business is open.

The site has off street parking spaces for 5 vehicles and there are opportunities for on street parking on nearby street and as such it is not considered that the proposed development would prejudice the safety of users of the highway.

Noise, odour and smells are proposed to be mitigated to acceptable levels as detailed in the submitted Noise Impact Assessment, Odour Management Plan – FireAway and an Odour Management Report – Peri Peri Unit submitted to justify the proposed development. Given this it is recommended that permission is granted subject to the imposition of conditions.

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:

056/P/21.01; 056/P/21.02; 056/P/21.03; 056/P/21.04; 056/P/21.05;
056/P/21.06; 056/P/21.07 and 056/P/21.08.
3. The premises shall not be used except between the following hours:-

08:00 - 23:00 Monday - Sunday or Bank Holidays.

Any proposed changes to the above opening times shall be submitted and approved by the Local Planning Authority.

4. Any waste and recycling shall be securely stored within the rear service yard of the building and taken to the closest collection point on the relevant collection day.
5. There shall be no selling of alcohol for consumption on or off the premises.
6. The development hereby approved shall be carried out in accordance with the measures in the submitted Noise Impact Assessment prepared by DAAGroup and the Odour Management Plan (FireAway) and Odour Management Plan (Per Peri Unit) prepared by Delta Tech Ltd and such measures shall thereafter be maintained as approved.
7. No development shall commence before details of the sound-proofing of the internal floor between the ground floor commercial unit and the first floor of the building have been submitted to and approved in writing by the Local Planning Authority, and the sound-proofing works shall be implemented before the flats approved under planning permission ref HS/FA/20/00268 are occupied.

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 standard of development.
4. To avoid harm to local amenity from waste nuisance.
5. To ensure an acceptable form of development and in the interests of neighbour amenity.
6. To ensure that the measures considered necessary as part of the Noise Impact Assessment and Odour Management Plan are carried out as specified.
7. In the interests of the amenity of the neighbouring residential occupiers.

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 Food Business Operator will be required to register the food establishment with Hastings Borough Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/.
4. The applicant is strongly advised to contact the Hastings Borough Council's Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
5. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. If you are planning to replace or alter any of the external openings within the store then appropriate security standards should be adopted. For further information please see www.securedbydesign.com or contact Sussex Police. Any material external alterations to the shop front will require planning permission.
6. The applicant is strongly advised that given the litter problems in the area, a refuse bin for use by customers should be placed outside the restaurant at front elevation of the building, and this refuse bin should be emptied regularly and kept in an acceptable standard.

Officer to Contact

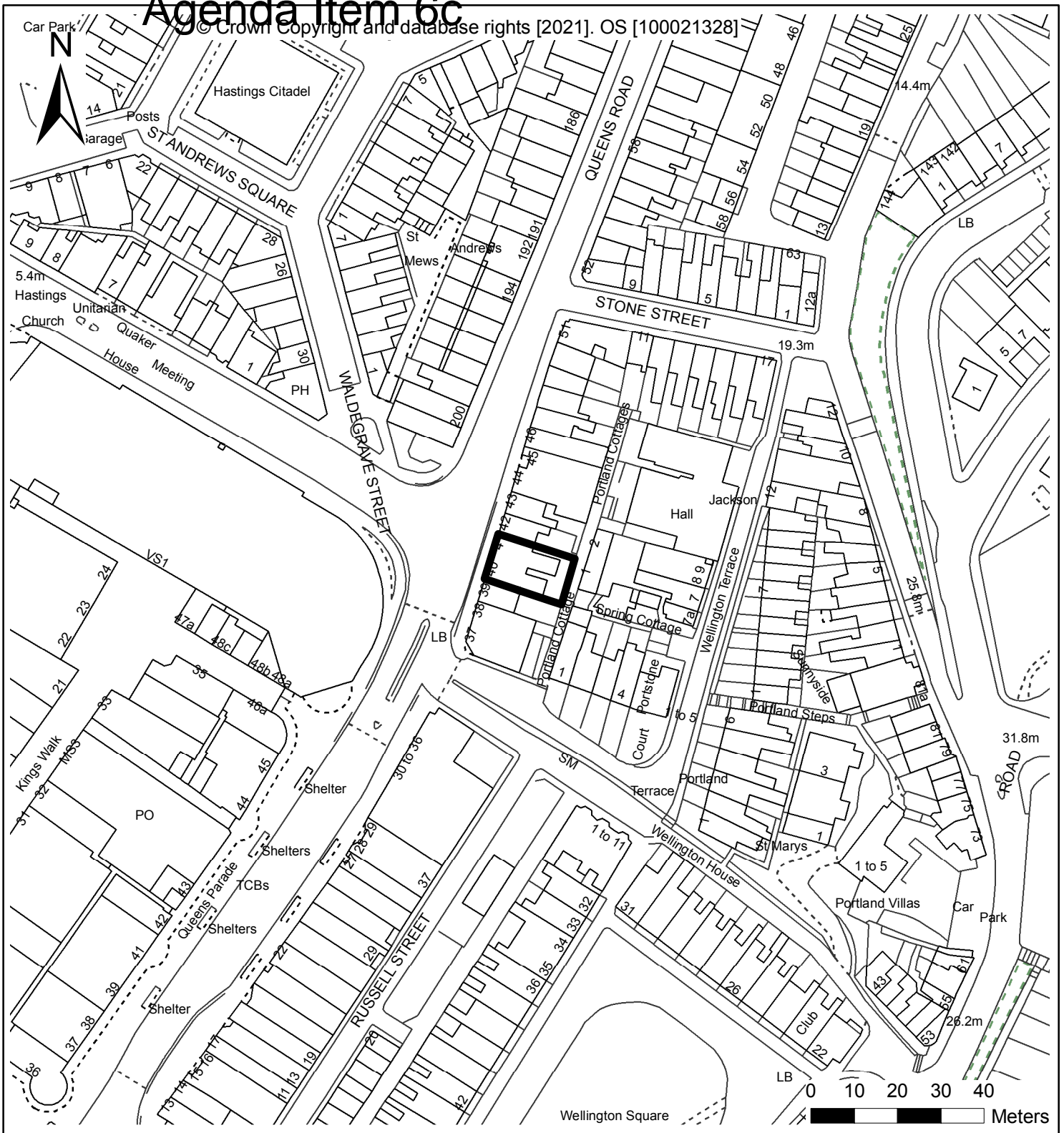
T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/21/00824 including all letters and documents

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Agenda Item 6c



Shop and Premises
40-41 Queens Road
Hastings
TN34 1RE

Change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbrokers (E Class) to an Adult Gaming Centre (Sui Generis).



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

Date: Dec 2021

Scale: 1:1,250

Application No. HS/FA/21/00443

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Report to: PLANNING COMMITTEE
Date of Meeting: 23 February 2022
Report from: Assistant Director of Housing and Built Environment

Application address: Shop and Premises, 40-41 Queens Road,
Hastings, TN34 1RE

Proposal: Change of use of the ground floor unit of 40-41
Queens Road from a vacant pawnbrokers (E
Class) to an Adult Gaming Centre (Sui
Generis).

Application No: HS/FA/21/00443

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: No
Listed Building: No

Applicant: Merkur Slots UK Ltd per Planning Potential
Magdalen House 136-148 Tooley Street London
SE1 2TU

Public Consultation

Site notice: No
Press advertisement: No
Neighbour Letters: Yes
People objecting: 14
Petitions of objection received: 0
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated - 5 or more letters of objection
received
Referred by Councillor

1. Site and surrounding area

The application site relates to 40-41 Queens Road a four-storey mid-terrace building. This application only relates to the commercial unit at ground floor level within this building. The ground floor unit has been vacant since October 2019, having previously operated as a Cash Generators pawnbroker. The front elevation of the commercial unit features a glazed

aluminium shop front. The application site is located on the eastern side of Queens Road opposite its junction with South Terrace. Above the commercial unit at first floor level there are two self-contained flats which were approved under application HS/FA/18/00871. Further residential units are found over the third and fourth floors. The commercial unit fronts onto Queens Road, however, due to a steep hill, the unit is effectively split level, four storeys at the front and three storeys at the rear, meaning the unit does not have a rear. The rear provides access to the residential units on the upper floors of the building. The unit is situated between two retail (Class E) units, with a bookshop ('Bookbuster') located to the south, and a mobile phone repair shop to the north ('Powermend'). Many of the properties along this road feature commercial/retail units at ground floor level with residential use above. The building is immediately abutted by the public footpath and Queens Road to the front. The premises is situated within the Town Centre Shopping Area and also lies within the main retail area. On the opposite side of the site is the entrance to Priory Meadow Shopping Centre and Marks & Spencer Store. To the rear of the building there is a narrow pedestrian walkway, which is well-kept and is residential in character. The property is not listed nor is it located within a Conservation Area designation.

Constraints

SSSI Impact Risk Zone

Business Improvement District

Great Crested Newts (green impact risk zone)

2. Proposed development

This application is seeking planning permission for a change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbroker (E Class) to an Adult Gaming Centre (Sui Generis), to allow Merkur Slots to occupy the unit.

There will be a mixture of gaming slot machines and electronic bingo which will be played on tablets.

The proposed opening hours of the unit will be 24 hours, seven days a week.

No external alterations are proposed under this application, however a number of internal alterations are proposed to form an office, kitchen area and unisex toilet with the rest of the floor space to be dedicated to the slot machines and electronic bingo.

Complimentary refreshments, teas and coffees will be provided to customers but no alcohol is to be served on the premises. The premises will predominantly sell cold snacks and occasional hot snacks, which will be heated in the microwave.

The application is supported by the following documents:

- Marketing report
- Planning, design and access statement
- Site waste management plan
- Letter from agent regarding footfall data
- Footfall, pedestrian flows and surveys
- Merkur Slots brochure
- Noise assessment report (PR2001_47_FINAL_R1)

Relevant planning history

- HS/FA/19/00844 To convert 1no. retail unit into 2no. retail units. The unit will be split down the middle into 2no. units with the left hand side of the shop front kept as is and a proposed new entrance added to the right hand side shop front.
Granted subject to conditions 6.12.2019
- HS/FA/18/00871 Change of Use of first floor retail unit (A1) to two self contained flats (C3).
Granted 05/12/2018
- HS/FA/11/00534 Replace the existing timber windows and doors with white upvc windows and doors.
Granted 25.08.2011
- HS/AA/09/00639 Erection of Store Signage with Trough Lighting, and 2x Projection Signs.
Granted 11.01.2010
- HS/72/01387 Internal alterations to showroom and self-contain flats.
Granted 16.11.1972
- HS/71/01462 Installation of shop front.
Granted 31.12.1971
- HS/71/01215 Display of illuminated fascia sign.
Granted 11.11.1971

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 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 DM6 - Pollution and Hazards

Policy SA1 - Hastings Town Centre Shopping Area

Revised Draft Local Plan

Other policies/guidance

National Design Guide

East Sussex County Council (Highways) Minor Application Guidance (2017)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and

future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Chapter 7 of the NPPF considers retail centres, and places an emphasis on flexibility, the ability to "respond rapidly to change" and the changing climate of shopping habits.

Paragraph 86

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under

review where necessary;

e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Paragraph 130 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

In order to create attractive, welcoming and distinctive places to live, work and visit.

- optimise the potential of the site to accommodate an appropriate number and mix of development.
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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

Licensing Team - **No objection**

It is noted the premises has now been granted a 24-hour licence by the Licensing Team.

Police - **No objection**

ESCC Highways - **No objection subject to imposition of condition relating to on-site cycle provision**

Given the impracticalities and limited space of the site and its Town Centre location it is not considered necessary to attach this condition in this instance.

Planning Policy Team - **No comment received**

Environmental Health Team - **No objection subject to imposition of condition numbers 3, 4 and 5**

4. Representations

In respect of this application, neighbour letters were issued.

14 letters of objection were received from 13 different properties.

14 letters of objection have been received raising the following concerns:

- premises could be put to better use, this will only add to the decline of the Town Centre.
- there are other similar establishments nearby, this will lead to an over concentration.
- harmful to the area, should be encouraging small local/family run shops which contribute to the area.
- local businesses would suffer as a result.
- health and wellbeing concerns.
- gambling is a terrible addition and should not be encouraged, strain on the community.
- concern this use will exacerbate existing issues of crime/anti-social behaviour and deprivation.
- 24 hour opening not appropriate within residential area, concerns about noise and disturbance.
- no off-road parking available.

5. Determining issues

The main issues which needed to be considered with this application is the existing and proposed use, the impact upon the character and appearance of the area, neighbouring residential amenities, great crested newts, highway parking and safety, refuse and health and wellbeing.

a) Principle

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

b) Existing and proposed use

The application site is located within Hastings Town Centre where Policy E3 of The Hastings Planning Strategy (2014) directs Town Centre uses. It states that the vitality and viability of Town Centres will be maintained and, where appropriate, enhanced. Measures will include

safeguarding the retail character and function of the centre, enhancing the appearance and environmental quality of the centre, encouraging diversity of uses and the provision of a wide range of retail, leisure, social, education, arts, cultural, office, residential and commercial uses, and promoting the reuse of vacant buildings.

Policy FA3 of the Development Management Plan (2015) states that the Council places great importance on the maintenance and improvement of the role of the Town Centre as a pleasant, lively, and safe place for shopping and recreation, education, employment, and as a place to live, as well as developing the evening economy.

Policy SA1 sets out uses which are appropriate to shopping areas. Both parts of this policy need to be satisfied in order for the development to be permitted:

- criterion (a) sets a percentage threshold for non-A1 use, which in this location is 45%.
- criterion (b) considers the qualitative impact of allowing such non-A1 use (shopping frontage, attractiveness, vitality, etc).

Paragraph 5.10 of Policy SA1 recognises that different and complementary uses during the day and in the evening can reinforce each other, making the Town Centre more attractive to local residents, shoppers, workers and visitors.

Chapter 7 of the NPPF considers retail centres, and places an emphasis on flexibility, the ability to "respond rapidly to change" and the changing climate of shopping habits. This advice is also reflected in the PPG. In addition, information from a range of national studies indicates that due to a long-term change in shopping habits, percentage thresholds may restrict the overall vitality of Town Centres. The general position is that Town Centres must "find a focus other than retail in order to survive" (UK Parliament, 2019).

The Planning Policy Team's own monitoring and emerging research in respect of Hastings Town Centre and other shopping areas in the Borough, now suggests that less weight should be attached to the criterion (a) of Policy SA1, and a more qualitative approach is needed. Furthermore, that continuing to implement a percentage threshold could have unintended consequences and become harmful to the vitality of these centres. As such it is acknowledged that criterion (a) of Policy SA1 can no longer be used. This being said, criterion (b) of Policy SA1 remains a material consideration due to the impact on the vitality and viability of the Town Centre as a whole with such a large and prominent interruption to the frontage occupying a key gateway position (adjacent to the junction of Queens Road and South Street) in the shopping area.

During determination of the application some concerns were expressed to the applicant by the Local Planning Authority regarding possible impacts upon the vitality and viability of the Town Centre given the proposed use and the key gateway position of the premises. The applicant commissioned a number of daytime footfall surveys which were undertaken by an independent survey company, ESA Retail. The footfall surveys were undertaken at 3 operational Adult Gaming Centres (AGCs) in Lowestoft, Hessle Road (Hull) and Wood Green (London), all of the adult gaming uses being located within shopping locations. The results demonstrate that the footfall associated with Merkur's Adult Gaming Centres (AGCs) are comparable with that of many retail units within Town Centre locations. The immediate frontage at the application site is similar to that of the 3 locations surveyed. The surveys also demonstrate that pedestrian flow remains high outside Merkur Adult Gaming Centres (AGCs) and that they generate linked trips, which means that they visited other shops and services in the relevant shopping location. As such, it is considered the proposal would satisfy criterion

(b) of Policy SA1. The premises is also positioned between two retail units, therefore the proposals would not result in any significant interruption to the shopping frontage, with the vast number of units nearby to the application site being within retail use. It is also noted that the premises have not been in use as a traditional retail unit for some time, with pawnbrokers typically classified as quasi retail and are often categorised as A2 or more commonly Sui generis uses.

It is important to note that the recent introduction of Class E has introduced further flexibility on the high streets, with a range of Town Centre and non-Town Centre uses. The future of the high street is no longer reliant on traditional retail, it is reliant on a mix of uses that offer different experiences for residents and visitors, which encourage people into the centre. Whilst Adult Gaming Centres (AGCs) were not included in the recent changes to the Use Classes Order, the fact that the application site can change to a range of non-retail uses under permitted development clearly carries some weight in favour of the proposal.

It is also acknowledged that the premises have been vacant for a considerable period of time, since October 2019, when the tenant 'Cash Generator' went into liquidation. The applicant has provided robust marketing over an 18-month period which demonstrates that the unit is no longer viable as a retail unit. One of the main reasons for this is that the unit does not have a rear and is unable to be serviced from either the rear or the front. As such, given the units vacancy and the evidence of marketing and lack of commercial interest, provided in support of the application, the re-use of the premises carries weight in favour of the proposal. The proposed Adult Gaming Centre (AGC) will bring about a number of benefits for the Town Centre, including reinvestment into a vacant unit, at least 6 new jobs, footfall and linked trips and a broadening of the current leisure offer in the centre, including electronic bingo, particularly given the future of the high street is no longer reliant on retail.

Taking the above into account, it has been demonstrated that the proposals comply with the overall objectives of the Council's Town Centre and shopping policies, and that any identified conflict with policy criteria is clearly outweighed by significant material considerations. It has been demonstrated that the proposals will not only maintain, but enhance, the vitality and viability of the Town Centre shopping area and the Town Centre as a whole by bringing a vacant unit back into use, creating new jobs, footfall and linked trips and contributing to the array of uses found within the Town Centre. The proposal would therefore accord with Policies E3, FA3 and SA1 of the Hastings Local Plan and the broad aims of the National Planning Policy Framework.

c) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials

No external alterations to the unit are proposed as part of this application, therefore the proposed change of use to this premises will have no impact on the character and appearance of the area. This is in line with the aims of Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), the proposal is thereby considered acceptable in

this regard.

d) Impact on neighbouring residential amenities

The proposed Adult Gaming Centre (AGC) is proposed to operate on a 24-hour basis. It is therefore important that no unacceptable impacts in terms of noise or other disturbance during late hours occurs, considering the amenity of nearby residential units. It is noted a number of objection comments from local residents have raised concerns in this regard. The site is situated within a Town Centre location with mixed uses and has an established evening and night-time economy, notably comprising restaurants and pubs. As such the applicant has submitted a detailed noise report to support the application which assesses potential impacts on noise sensitive properties, principally the flats above. The report contains a number of recommendations to improve sound insulation performance which are required to be carried out prior to the opening of the premises to avoid harmfully impacting the amenity of any adjacent residential units. The report identifies that once these recommendations have been carried out, the site will be suitable for 24-hour operation. The noise report also includes case studies of operational Adult Gaming Centres (AGCs) in Camberwell (London), Boston and Hessle Road (Hull) during the most noise sensitive period of the night. Based on the site assessments of patron behaviour it is considered unlikely that noise impacts will occur due to patrons leaving and entering the site. The applicant has also provided figures of the lowest and highest number of patrons within the units between the period of 6.30pm to 6.30am at three operational Adult Gaming Centres (AGCs) in Lowestoft, Hessle Road (Hull) and Wood Green (London). These are as follows; Hessle Road (Hull) - between 1 and 9 patrons, Wood Green (London) - between 4 and 12 patrons and Lowestoft - between 0 and 5 patrons. As demonstrated the number of patrons and associated comings and goings of the premises are relatively low for these periods of time. As set out in the supporting brochure, only background music is played within venues (similar to shops) and there are no tannoy systems with noise adjustable machines. Furthermore, Merkur's Adult Gaming Centres (AGCs) are not evening/night-time leisure uses that attract large crowds of people like pubs, bars, cinemas etc. The late-night patron base is predominantly late shift workers looking to relax and large groups are rare, with any unruly or loud behaviour policed by staff within such premises.

The Environmental Health Team were consulted on the application and raised no objection subject to the imposition of conditions. Condition 3 will be attached requiring the recommendations within the noise report to be strictly adhered to and carried out prior to the use hereby commencing. Condition 4 will also be included to control the hours of construction on site and Condition 5 will be added requiring details of any fixed plant, machinery and associated equipment which has the potential to cause noise disturbance to any noise sensitive receivers to be submitted to and approved in writing by the Local Planning Authority. Condition 7 has also been included to ensure no patrons at any time shall smoke or vape outside the premises which fronts Queens Road, to avoid patrons loitering, limiting noise when entering and leaving the premises.

On balance, it is not considered that the proposed use would generate noise during the night to an extent that would result in harm to residential amenity that which may reasonably be expected in this busy high street context. The proposal is therefore considered acceptable in this regard subject to imposition of conditions and is in line with the aims of Policies DM3 and DM6 of the Hastings Local Plan - Development Management Plan (2015).

e) Impact on Great Crested Newts

Great Crested Newts (green impact risk zone):

The development falls within the green impact risk zone for Great Crested Newts and as the application is not a Household one and no ground works are proposed, there is no requirement to consult NatureSpace in respect of Great Crested Newts. It is not considered there will be any impact upon the Great Crested Newts as a result of this development.

f) Highway safety/parking

No parking provision for this proposed conversion has been provided. However, this said, the site is located within a central and sustainable location within an existing retail location along Queens Road. The premises also lie within the Town Centre Shopping Area. Given the units location, there are plenty of choices regarding public transport with Queens Road providing a main bus route in and out of Hastings, with the main train and bus station also within walking distance of the site. Furthermore, it is also noted a number of car parks are situated close by, within walking distance including the multi-storey car park of Priory Meadow shopping centre. No details of trip generation have been provided, however it is considered that the two uses are likely to generate similar level of trips. On balance, the proposed development is unlikely to result in a significant impact on the local highway network and the proposal is considered acceptable in this regard. ESCC Highways have raised no objection. Whilst they have requested the imposition of a condition to secure on-site cycle provision, given the impracticalities and limited space of the site and its Town Centre location, it is not considered necessary to attach this condition in this instance.

g) Refuse

The application is located within a well-established commercial area. A waste collection service currently operates on Queens Road for the existing commercial units. Refuse sacks for both domestic and recyclable waste are provided by Hastings Borough Council and will be presented to the kerb side on collection days for the waste collection service to collect. It is not considered the proposed Adult Gaming Centre use will generate high levels of waste. While there have been no specific details of waste storage submitted, the agent has confirmed that any waste will be stored within the commercial unit until collection day, as existing. This arrangement has been considered acceptable with an informative note added to the permission which details this.

h) Health and wellbeing

A number of objections have been received raising concerns that the proposal will lead to an over-concentration of gambling premises in this part of the Town Centre and the potential adverse social impacts of an adult gaming centre in this location.

In response the applicant has confirmed that Merkur's Adult Gaming Centres (AGCs) are smart and professional venues that offer a range of low stake gaming and electronic bingo. They do not have the fixed odds betting terminals (FOBTs) that betting shops previously had, with lower maximum stakes and prizes. They have a large female customer base and attract individuals and couples rather than large groups. Due to the nature of the gaming and as no events take place, such as sports fixtures like at betting premises, customers do not congregate in the vicinity of venues. They do not sell alcohol and staff will not allow customers who are intoxicated to enter the premises. Staff stay with their customers on the shop floor rather than behind a counter as is the case with betting shops, as a result, incidents are rare.

Matters of impact upon vulnerable people and problem gambling is something that is specifically considered under the licensing regime. Merkur Slots are fully aware of the Licensing Objectives in this regard and as with all their stores, have robust measures in place to ensure vulnerable people are protected. This includes staff training, customer supervision, monitoring, interaction, reviewing source of funds, providing self-help tools and advice to ensure responsible play, provision of information regarding gambling support services and self-exclusion, where appropriate. It is noted the premises has now been granted a 24-hour licence by the Licensing Team which includes a list of robust conditions for which the premises must adhere to in order to protect customers and staff; such as protection of children and other vulnerable persons, access to premises, age checks and responsible gambling.

Whilst it is acknowledged that the East Sussex Public Health team have produced an evidence-based paper which summarises the association between gambling premises and health and wellbeing related issues, it is noted however that this document reviews these issues on a national and regional level, rather than a local one with site specific correlations.

It is also noted that gambling premises only make up a very minor proportion of the overall offer of Hastings Town Centre and the nearest gambling premises (a betting shop) is over 100m away, with the only other adult gaming centre in the Town Centre over 250m away. There are numerous other Town Centre uses located between these uses and the application site. As such, there is not currently an over-concentration of such uses, neither will there be with the proposed use in place.

Whilst the concerns raised are understood, given the other findings noted above and that there is no local evidence to suggest that the proposed use would be detrimental to the health and wellbeing of the residents of Hastings, the proposal is considered acceptable in this regard. A number of appeals have also been dismissed on these grounds for example 37-39 St Sepulchre Gate, Doncaster DN1 1TD (APP/F4410/W/20/3250246) and 62 Nottingham Road, Eastwood NG16 3NQ (APP/J3015/W/18/3212670), with the Eastwood appeal having similar circumstances to this application site given its Town Centre location, historic percentage policy having limited weight, recent changes to the General Permitted Development Order introducing greater flexibility, noise adjustable machines and no Fixed Odds Betting Terminals (FOBTs).

i) Site Constraints

SSSI (Site of Special Scientific Interest) Impact Risk Zone:

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

6. Conclusion

In conclusion, the proposed conversion of the premises will bring a vacant unit back into use with high footfall, linked trips, new jobs which will assist in diversifying the Town Centre's offer. It is considered to be an acceptable form of development which complies with local and national plan policies. It is therefore recommended that permission is granted subject to imposition of the attached conditions, to provide a good form of development which protects the vitality and viability of the Town Centre and protects the amenity of adjoining and future

residents.

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:

Site plan, existing and proposed floor plans (QRD/HAS/04A) and noise assessment report (PR2001_47_FINAL_R1)
3. Prior to the commencement of the use hereby approved, the development shall be carried out in accordance with the recommendations contained within the Noise Assessment (PR2001_47_FINAL_R1) dated 19/10/2021. The works required within the Noise Assessment (PR2001_47_FINAL_R1) dated 19/10/2021 shall thereafter be retained permanently whilst the permitted use is in operation.
4. During construction any work which is audible at the site boundary, including deliveries to and from the premises, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
5. The acoustic specification of any fixed plant, machinery and equipment associated with air movement (including fans, ducting and external openings), compressors, generators or plant which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation.
6. 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). The use hereby approved is for an Adult Gaming Centre (Sui Generis use) only and there

shall be no further change of use without planning permission first being applied for and approved in writing by the Local Planning Authority.

7. No patrons at any time shall smoke or vape outside the premises which fronts Queens Road.
8. The provision of refreshments at the premises shall remain ancillary to the permitted use as an Adult Gaming Centre (Sui Generis use).

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. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To ensure that any further change of use is appropriate to the town centre location and to safeguard the amenity of adjoining and future residents.
7. In the interest of protecting neighbouring residential amenity and preventing any obstruction on the pavement.
8. To allow the Local Planning Authority to retain control over the development in the interests of visual and residential amenity.

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 applicant is reminded that any trade waste produced at these establishments will need to be collected by a registered and licensed trade waste carrier, and the collections will need to be frequent enough to prevent the waste from becoming a detriment to the surrounding area. The bins will need to be locked and kept in good condition and off of the public highway.
4. The applicant should consider the installation of a monitored intruder alarm if not open 24 hours a day. Additionally, appropriate money handling facilities and a management package to protect staff from robbery and harm should be implemented at the premises.

5. Photographic evidence of the works required by the Noise Assessment (PR2001_47_FINAL_R1) dated 19/10/2021 should be documented for inspection by Environmental Health if requested.

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/21/00443 including all letters and documents

Agenda Item 7

Agenda Item: 7

Report to:	Planning Committee
Date:	23 February 2022
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 07/01/2022 to 10/02/2022
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
Grass area between 275 and 293 Battle Road, St Leonards-on- sea (opposite 174 Lower Glen Road, between bus stop and postbox) HS/TL/21/00521	Proposed 5G 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Prior Approval Refused	DELEGATED	Planning
62 Eversfield Place, St Leonards-on-sea, TN37 6DB HS/EX/21/00665	Application for a Lawful Development Certificate for an Existing Use of the first, second and third floors as a HMO (C4)	Refuse Planning Permission	DELEGATED	Planning
144 Elphinstone Road, Hastings, TN34 2BN HS/FA/21/00981	Proposed formation of dormer window to front elevation & associated internal alterations	Refuse Planning Permission	DELEGATED	Planning

45 Gleneagles Drive, St Leonards-on-sea, TN38 0HU HS/FA/21/00978	Single storey rear extension and first floor extension over garage.	Refuse Planning Permission	DELEGATED	Planning
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The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
21 Sedlescombe Road North, St Leonards-on-sea, TN37 7DA HS/PA/20/00969	Notification for prior approval for proposed change of use of part of a betting office (sui generis) to residential (C3)	Prior Approval Refused	DELEGATED	Planning
Astec House, 10-12 Sedlescombe Road South, St Leonards-on-sea, TN38 0TA HS/FA/20/00125	Change of description - Redevelopment to provide a mixed scheme comprising 225.9sqm of business floorspace and 1 x 1 bed, 7 x 2 bed and 1 x 3 bed apartments, together with associated parking (amended description)	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
40 St Helens Road, Hastings, TN34 2LQ HS/FA/21/00193	Change of use from dwellinghouse (C3) to a 6 bedroom HMO (C4)	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	77
General PD (Approval)	1
Refused	10
Self Certificate – Not Permitted Development	2
Self Certificate – Permitted Development	1
Withdrawn by applicant	6
Total	97