

**Report to:** PLANNING COMMITTEE

**Date:** 15 December 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Car Showroom, 323 Bexhill Road, St Leonards-on-sea, TN38 8AJ**

**Proposal:** **Demolition of existing showroom, construction of new showroom and refurbishment of existing workshop**

**Application No:** **HS/FA/16/00258**

**Recommendation:** **Grant Full Planning Permission**

Ward: WEST ST LEONARDS  
File No: BE90323V  
Applicant: Yeomans Ltd per GRS Architects Ltd Equity Chambers 249 High Street North Poole BH15 1DX

Interest: Owner  
Existing Use: Car dealership and workshop (sui generis)

**Policies**  
Conservation Area: No  
Listed Building: No

**Public Consultation**  
Adj. Properties: Yes  
Advertisement: Yes - General Interest  
Letters of Objection: 3  
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

### **Site and Surrounding Area**

The application site relates to the current Peugeot car showroom on Bexhill Road, Hastings. The site is located close to the junction of Bexhill Road with Bulverhythe Road and is bound by a convenience store to the east, depots and yards to the south and residential properties to the west. Opposite the site are two-storey semi-detached houses, a bungalow, a coffee shop and an Indian restaurant.

The character of this particular part of Bulverhythe can be considered mixed as it is not predominantly residential and there are substantial industrial/commercial spaces to the rear of the site and accessed from Bulverhythe Road.

The site currently consists of a showroom, workshop and valet area with outdoor display space and parking. The car showroom building is set back from the road when compared with the adjacent dwelling 345 Bexhill Road and the St Marys Food Market convenience store.

### Constraints

Flood Zones 2 and 3a (excluding north west portion of site)

Area susceptible to ground water flooding

Area susceptible to 1 in 1000 and 1 in 100 surface water flooding (part site only)

Area at risk from tidal and fluvial flooding taking into account climate change modelling

Air Quality Management Area (site frontage only)

High Pressure Pipeline 2km Buffer

Historic Landfill Site 250m Buffer

Authorised Landfill Site 250m Buffer (part site only)

SSSI Impact Risk Zone

### **Proposed development**

This is an application for the demolition of the existing showroom part of the business, near the frontage of the site, with a replacement showroom extension to the side of the existing workshop building. The extension is single storey.

The proposals includes alterations to the workshop building to integrate it with the new extension, the removal of a small temporary-style office unit on the north east boundary and rearrangement of the display and parking areas around the site.

The application follows planning permission from 2014, which was for the demolition of all buildings and the erection of the 2 car showrooms. It is understood that the previous dual-dealership arrangement is no longer being pursued hence this proposal for alterations to the existing franchise.

The application is supported by the following documents:

Drawings

Design and access statement

Flood Risk Assessment

Environment/Energy Statement

### **Relevant Planning History**

HS/FA/14/00747 Demolition of car showroom and construction of 2 x new car showrooms & workshops with valet bay, washbay, associated display and parking forecourt. Proposal includes erection of temporary showroom.  
Granted 06 January 2016

HS/FA/03//00730 TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR  
EXTENSION PLUS INTERIOR ALTERATIONS AND EXTERIOR  
CLADDING  
Granted 06 January 2003

HS/DS/72/00689 Erection of workshop, offices, stores, canteen and toilets.  
Granted 19 June 1972

HS/DS/72/00469 Erection of car showroom with self contained flat over.  
Granted 11 May 1972

HS/OA/71/01256 Demolition of existing lubrication bay and erection of new workshop and  
showroom, with flat over.  
Granted 11 November 1971

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC2 - Design and Access Statements  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4 - Working Towards Zero Carbon Development  
Policy SC7 - Flood Risk  
Policy E1 - Existing Employment Land and Premises

#### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy DM6 - Pollution and Hazards

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

#### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 19 states that Planning should operate to encourage and not act as an impediment to sustainable growth and significant weight should be placed on the need to

support economic growth through the planning system.

## **Consultations comments**

The **Lead Local Flood Authority (Flood Risk Management Team)** has raised no objection. This follows further clarification from the applicant about how surface water will be managed and the LLFA is satisfied with this arrangement.

The **Local Highway Authority** has raised no objection subject to conditions to secure drainage details, construction traffic management, wheel washing facilities and vehicle parking/turning areas. They have also responded to queries raised by an objector which are discussed in further detail below.

The **Environmental Protection Officer** has raised no objection subject to conditions regarding a construction management plan, contamination remediation, lighting details, details of plant/machinery and construction hours.

**Southern Gas Networks** has raised no objection. They have provided details of gas main locations and advice on construction near them.

The **Estates Manager** has raised no objection.

The **Environment Agency** has raised no objection.

## **Representations**

3 no. representations received from 3 different properties raising the following concerns:

- Light pollution and a request that this is regulated to reduce light pollution
- Parking and a query in respect of what parking is reserved for customers to avoid on street parking
- Access - especially for larger heavy good vehicles
- Development layout and the building line
- Concern that development may result in increase in traffic

## **Determining Issues**

The main issues regarding this development relate to design and the impact on the character of the area, the impact on neighbouring amenities, flooding related matters, issues related to contamination and pollution, and access and parking arrangements.

### 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.

It should also be noted that the proposal does not result in any increase in floor space from that existing and as such does not represent an intensification of the existing use on site.

### Impact on Character and appearance of area including layout

The proposed development includes the demolition of the existing showroom building with the new showroom being built to the south-east side of the existing workshop. The new showroom extension is smaller in height than the existing showroom (by approximately 1.4m) and has a slightly smaller footprint (a reduction of approximately 65m<sup>2</sup>). The extension is to be clad in a similar style to the existing showroom (a corporate coloured insulated cladding panel) and the north west (front) elevation of the workshop will be altered and clad to match with the extension. These alterations will create a new frontage to the dealership with a width of approximately 40m.

The general appearance of the building will not be too dissimilar to the existing and the main difference as a result of these proposals will be the position of the showroom. This new layout has been considered by a local resident who is of the opinion that a building set back further into the site, disrupts the building line established by the residential properties to the west and the convenience shop to the north east, to the detriment of local character.

A building line is an important feature in reinforcing local character and deviations away from this can cause harm. In this instance the existing building is already set back from the adjacent properties and historically, development of this site has never conformed with an 'established' building line. The site was originally occupied by cottages prior to the building of the Bexhill Road, with subsequent neighbouring development being built forward of these existing cottages. All developments at the site since have always been set back from the road and more associated with the industrial nature of the developments to the rear.

This is not to say that developers should not strive for improvements in order to enhance local character, however, in this instance it is not considered that the altered layout causes harm.

Firstly, there is a practical reason for building to the side of the existing extension. This is so the existing showroom building can remain in use whilst the new one is constructed. The existing will then be demolished once the new showroom is operational. This will allow the business to remain operational.

Secondly, any commercial building of this nature is likely to appear at odds with the older architectural styles of the adjoining residential buildings. If the building, in its corporate style and materials, were to be moved forward it would sit immediately adjacent to 345 Bexhill Road, a more traditional two storey end of terrace house with hipped roof to the front and rear. The two different forms of development, including corporate colours, would sit in contrast to each other. The contrast would appear as a jarring feature within the street scene. Had the site been located in a conservation area or immediately adjacent to listed buildings, an argument could have been made that the proposed building's design and form draw more from the traditional built form of the local area. That however is not the case and therefore it is not considered reasonable to require the corporate design and form to change. The best design solution for the site is therefore to maintain the building line as proposed. It is noted that the previously approved development of this site, noted in the history section above, showed a very similar building line to that approved. This is another material reason to support the position of the building line as proposed.

Lastly, although the proposal will result in the provision of more outdoor display space and car parking to the front of the site, the existing site frontage is already dedicated to outdoor car displays. A large portion of the existing visible site dedicated to car display and vehicle parking and the re-orientation of this space, with more cars in front of the main building, is not considered to cause any significant change to the character and appearance of the area.

The proposed development is of an appropriate design and layout and is not considered to harm local character. The proposal complies with policies DM1 and SC1 in this respect.

#### Impact on neighbouring residential amenities

The immediately adjoining property, 345 Bexhill Road, is the only residential property likely to be affected by this proposal. In this instance the proposed development will result in a marked improvement to this property.

Presently, the car showroom building is close to the garden boundary with no.345. The site is separated from no. 345 Bexhill Road by a footpath that runs from Bexhill Road to the rear of properties fronting onto Bexhill Road at this point. The existing relationship is likely to result in some harm to the outlook from this property, which looks out on to a tall blank facade, as well as some loss of sunlight and daylight.

The demolition and subsequent repositioning of the car showroom will remove this blight. Outlook will be improved and the property will benefit from more dawn and morning sunlight as well as improvements in daylight.

It is acknowledged that the introduction of parking in place of the existing building may cause some noise and disturbance to no. 345 Bexhill Road. Nevertheless, as noted above, this property is separated from the site by a footpath of approximately 1.2m wide. Furthermore the ambient noise levels along Bexhill Road are high during the day and it is not considered that the noise associated with the use of these new parking spaces would be noticeably in excess of this. It is also noted that the previously approved scheme for the site shows parking adjacent to the rear garden of no.345 Bexhill Road. In light of these points it is considered that the proposals are considered to comply with policy DM3.

#### Flooding

The proposed development falls within Flood Zone 2 and 3a, is identified as being within areas susceptible to ground and surface water flooding, and is also within an area at risk from climate change related flooding. Because of this the application is accompanied by a flood risk assessment (FRA).

The proposal is for minor development, however, in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), consultation with the Environment Agency has taken place as the footprint of the development is more than 250m<sup>2</sup>. There has also been consultation with the Lead Local Flood Authority.

The National Planning Practice Guidance (NPPG) requires a sequential test to be applied to applications of this nature. The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

The NPPG also advises that a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

Whilst no information has been provided by the applicant to adequately address this point, it is noted that this is a proposal for an extension to an existing 'less vulnerable' business use.

The site is already completely impermeable and this proposal will not change that. The applicant has evidenced to the satisfaction of the LLFA that the existing means of surface water disposal is sufficient for this development and that it will not exacerbate flooding problems. The submitted flood risk assessment also explains that adequate flood safety mitigation - mostly in the form of raised floor levels and flood resilient design - will be incorporated into the development. As such it is considered that it would not be appropriate to redirect an existing business to another site which has a lesser risk of flooding in order to accommodate an extension.

The application is supported by an FRA and the Environment Agency have no objection.

It is noted that in addition to the above flood mitigation, the applicant has also stated in their Environment/Energy Statement, that some water harvesting will be utilised to help with customer valeting and cleaning. This will provide some relief in terms of surface water flooding.

Given the above, the proposed development for an extension to a 'less vulnerable' use is considered to be acceptable and will not be contrary to policy SC7.

#### Land contamination and pollution

The site is within the buffer zones of historic landfill and the authorised Pebsham landfill site. Its historical uses also indicate that the land may be contaminated although Environmental Health state that the site has no history of contamination. Notwithstanding this the Council's Environmental Protection Officer has considered contamination issues and recommends a condition regarding land contamination to identify contaminants and mitigation measures as necessary.

The Environmental Protection Officer also recommends conditions for construction management, details of external lighting, details of any plant/mechanical equipment and construction hours. These conditions will ensure that the amenities of neighbouring properties are protected from nuisances.

The site is also partly within an identified Air Quality Management Area. The AQMA has been established as the area has experienced exceedances in air quality pollutants. Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants, as in this instance the development is not increasing in size so will not exacerbate an existing situation. The Senior Environmental Health Officer confirmed as part of the validation of this application that no further information is required from the applicant in this regard.

Subject to the recommended conditions the proposed development is considered to comply with policies DM5 and DM6.

#### Access and parking

This proposal does not increase the amount of development on site and whilst there are some changes to internal parking arrangements the access will remain the same. The impacts of the development are therefore neutral in terms of highway safety. Nonetheless the Local Highway Authority were consulted and raise no objection.

Concerns about parking and access have been raised by local residents, and although the development is not considered materially different in highway terms, the LHA note that the level of parking is in accordance with ESCC guidelines (as adopted by the Council's in the Supplementary Planning Document: Parking Provision in New Developments), and the applicant has been able to demonstrate that large vehicles can access the site avoiding the need for vehicles to load or unload on the carriageway (despite this being a legal manoeuvre).

The proposed development is not considered to cause harm to highway safety and conditions are recommended to secure the appropriate levels of parking, safe construction and adequate access.

### Sustainable Construction

The application has been accompanied by Environmental Energy Statement that states the development will:

- make energy savings through its fabric due to better insulation and air tightness;
- include the installation of photovoltaic panels;
- use more efficient underfloor heating;
- utilise rainwater harvesting techniques;
- use energy efficient lighting; and
- consider solar water heating equipment.

The building will, as a minimum, also need to meet building regulations standards.

Taking both of these into account the proposal is considered to comply with policy SC3 and SC4 but precise details of how these measures will be implemented is recommended by condition.

### Other

The site is within the buffer of a high pressure gas pipeline but is not considered of sufficient scale to warrant further consideration. No objection has been raised by Southern Gas Networks in this respect who otherwise include information about safe construction that can be passed on to the developer.

The site is within a SSSI Impact Risk Zone. The development does not exceed the thresholds which require further consultation with Natural England and it can therefore be concluded that the proposed development has no adverse impact on any SSSI.

An objection from a local resident refers to the impact of existing lighting. Whilst a condition is recommended to control the impact of any new lighting, the existing lighting on site is beyond the control of planning but should be reported to Environmental Health if causing the nuisance suggested.

## **Conclusion**

The proposed extension to the side of the existing workshop building, further to the demolition of the existing car showroom, is not considered to harm the character of the area as it is of an appropriate scale, layout and design that relates appropriately to the mixed character of the area. It will improve the relationship with neighbouring properties. It will not exacerbate any flood risk, pollution or highway safety problems and will allow the business to operate out of more sustainably constructed building.

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.

## **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:  
  
1546/3A, 1546/4A, 1546/2000D, 1546/2001D, 1546/2002D, 1546/2003A and 1546/2004
3. Prior to the commencement of development (including any demolition) a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the control of environmental impacts of the development during construction. The development shall be carried out in accordance with the approved plan.
4.
  - i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. 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.
  - ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before 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.

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

5. Prior to its installation, details of all new lighting should be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to angle and shield lighting. The lighting shall be installed in accordance with the approved details.
6. Prior to its installation details of any new plant or mechanical equipment (i.e. ventilation or extraction equipment) shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details.
7. With the exception of internal works, the building works and associated deliveries to the site required to carry out the development hereby approved, 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.
8. Prior to the commencement of 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 and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the approach road the hours of delivery/ collection should avoid peak traffic flow times). The development shall be carried out in accordance with the approved scheme.
10. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
11. The development shall not be brought into use until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
12. The development shall not be brought into use until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. The development shall not be brought into use until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. The development shall be carried out in accordance with the mitigation measures stated in the Phase 1 Flood Risk Assessment Report by Ambiental (dated October 2014, ref 2092).
15. Prior to commencement of development, details of how the proposed sustainable and green design measures listed in Environmental/Energy Statement by GRS Architect Ltd (dated April 2016) will be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

**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. In the interests of the amenity of the neighbouring residential occupiers.
4. To protect those redeveloping the site, any future users and neighbouring properties from potential landfill gases and soil contamination.
5. In the interests of the amenity of the neighbouring residential occupiers and to reduce light pollution.
6. In the interests of the amenity of the neighbouring residential occupiers.
7. To safeguard the amenity of adjoining residents.
8. In the interests of highway safety.
9. In the interests of highway safety and for the benefit and convenience of the public at large.
10. In the interests of highway safety and for the benefit and convenience of the public at large.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

14. To prevent increased risk of and to ensure appropriate mitigation against flooding.
15. To ensure a satisfactory development in accordance with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The developer's attention is drawn to correspondence received from Southern Gas Networks, dated 01 June 2016, which includes information on safe development and gas infrastructure.

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/16/00258 including all letters and documents