

Report to: PLANNING COMMITTEE

Date: 11 January 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Trinity Hall, Braybrooke Terrace, Hastings, TN34 1HQ**

Proposal: **Change of use to Mixed Use, comprising of Workshop - B1(c) Use, Retail - A1 Use and ancillary office space - B1(a) use**

Application No: **HS/FA/16/00467**

Recommendation: **Grant Full Planning Permission**

Ward: BRAYBROOKE
File No: BR24024V
Applicant: Hastings & Bexhill Wood Recycling Project
per Standen Associates 23 & 24 Castleham
East Business Centre Stirling Road St
Leonards on Sea, East Sussex. TN38 9NP

Interest: Prospective tenant
Existing Use: Vacant A1 premises

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: No
Letters of Objection: 6
Petitions Received: 0

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

Site and Surrounding Area

The site consists of a large two storey premises on Braybrooke Terrace. The premises is at a slightly lower level than the highway with a gated access on to the road. Within the site there is a large area of hard surface which provides parking for approximately 5 vehicles. Trinity Hall is attached to Holy Trinity House than the south, however this unit is not included as part of this application. To the north of the site is the imposing Linton Road Bridge which houses several existing businesses within the bridge arches. On the opposite side of Braybrooke Terrace is a long terrace of residential properties which, due to the topography of the area

are sat at a higher level to the Road. The surrounding area is made up in the majority of residential units with the exception of Trinity Hall and the units within the arches of the bridge. To the rear of the site is the Hastings railway line and beyond this are the properties which face on to Cornwallis Gardens.

Constraints

- Flooding surface water 1 in 30
- Flooding surface water 1 in 100
- Flooding surface water 1 in 1000
- Flooding ground water
- SSSI Impact Risk Zone

Proposed development

This application is for the change of use of the existing Trinity Hall premises from A1 usage to mixed use comprising of A1 (retail) and B1 (business). Within the B1 bracket it is proposed to operate both B1(a) office and B1(c) light industrial. There are no external alterations proposed however, it is proposed to carry out some alterations to the internal layout, to better suit the mixed use.

Relevant Planning History

- | | | |
|---|-----------------------------|--|
| - | HS/50/00761
Granted | Adaptation to form a Parochial Centre and improvements to the house.
09/01/1951 |
| - | HS/54/00743
Granted | Erection of five lock-up garages and cycle shed.
11/01/1955 |
| - | HS/65/00876
No objection | Use of premises as telephone exchange.
19/08/1965 |
| - | HS/67/00121
No objection | Erection of extension to provide accommodation for accounts and welfare sections (Circular 100)
16/02/1967 |
| - | HS/FA/75/00653
Granted | Retention of use of office extension erected by G.P.O.
17/12/1975 |
| - | HS/AA/76/00472
Granted | Display of illuminated projecting sign.
17/08/1976 |
| - | HS/FA/76/00473
Granted | Alterations to front elevation.
17/08/1976 |
| - | HS/FA/76/00119
Granted | Change of use from Telephone Exchange and Office to storage and Mail Order Centre for antiquarian books.
06/04/1976 |

- HS/AA/10/00168 Retrospective consent for hoarding type advert in car park
Granted 29/11/2010

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 E1 - Existing employment land and premises
Policy DS2 - Employment Growth

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM6 - Pollution and Hazards

Other Policies/Guidance

Retention of Employment Land and Premises SPD - December 2015

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.

National Planning Policy Guidance (NPPG)

When is noise relevant to planning? - Paragraph: 001 Reference ID: 30-001-20140306

Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.

Consultations comments

Highways - **No objection**

Environmental Health - **No Objection**

This is subject to a restrictive delivery times condition.

Representations

In respect of this application 29 neighbouring properties were consulted. In response to this 6 letters of objection were received. The concerns within these letters are as follows;

- lack of consultation
- impact on residential amenities from noise, dust etc
- an increase in traffic/parking from additional vehicles
- inappropriate use within a residential area
- inappropriate use of building with historic interest.

The concerns within these letters are addressed within the report below.

Determining Issues

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.

Proposed Use and the Impact on Character of area

Policy DS2 of the Hastings Planning Strategy advises on the Council's aims in terms of supporting the town's role as a major employment centre and as the focus for economic regeneration, local economic growth and diversification. This policy identifies that up to 70,000m² of employment floor space should be achieved between 2008 and 2028. Although the application site falls outside of the areas identified in this policy, the resultant gain in employment space, although relatively small, would contribute to this overall figure and as such is considered to meet the aims of the policy.

Policy E1 of the Hastings Planning Strategy states that effective use of employment land and premises will be secured by the following:

- a) land and premises currently, or last used for employment purposes – including B1, B2 & B8 or any of a use of a similar character not falling within a specified use class, will be retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities;
- b) where continued employment use of a site/premises is demonstrated to be unviable permitting a mixed use enabling development which incorporates employment space will be considered first; if a mixed use scheme is not viable the extent to which any proposed new use generates new employment will be taken into account.
- c) permitting intensification, conversion, redevelopment and/or extension having regard to other policies of the Plan.

Although this policy mainly focuses on existing employment premises, it is considered that, the overall aims of the policy are relevant as the proposal seeks permission to change from Class A1 to a mixed use incorporating B1 (business) and A1 (retail).

The proposed use, and in particular the B1(c) element has caused concerns with local residents in relation to the potential for noise, dust and disruption in a residential area. The Town and Country Planning (Use Classes) Order 1987 (as amended) states that B1 usage is for all or any of the following purposes-

B1 Use:

- (a) as an office other than use within class A2 (financial and professional services)*
- (b) for research and development of products or processes, or*
- (c) for an industrial process*

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. - Taken from the Town and Country Planning (Use Classes) Order 1987.

Due to the requirements of a B1 use, having to be sympathetic to residential surroundings, it is considered that this is a suitable use for the premises. The proposed use will make furniture for sale from recycled wood and will also recycle existing furniture. The machinery and tools to be used are listed within the 'response to residents objections on planning application'. Environmental Health raise no objections based on the noise tests and acoustic report. In light of this, the proposed use is considered to fall, in part, within Class B1 use as detailed within the Use Class Order 1987. Use Class B1 is defined as capable of operating within residential areas without harm to their amenity. It is therefore considered that it is acceptable for a B1 Use to operate in this residential area. It is noted that there are some other commercial uses in the vicinity and furthermore the ambient noise levels are fairly high having regard to the noise from vehicular movements along nearby roads and the railway line.

There is no extraction equipment proposed as part of this application, however, it is suggested that a condition be imposed to ensure no extraction units are installed without the prior written consent of the Planning Authority.

With regards to the proposed A1 element of the scheme, it should be acknowledged that the premises has permission and has been operating as a mail order centre for retail sales which is defined as Use Class A1. The A1 use in this instance is relatively minor and subsidiary to the primary operations of the business. This is considered comparable to the previous use of the site and as such acceptable in this location.

Taking these factors into account, it is considered that the mixed use proposed in this instance is acceptable and would not have a detrimental impact on the character of the area.

Impact on Neighbouring Residential Amenities

Within the NPPG it asks the question 'how can adverse impacts from noise be mitigated?' This will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

In support of the proposal, the applicant has provided a comprehensive noise assessment which has been forwarded to the Council's Environmental Health Department to be reviewed. Environmental Health have advised that the results from this assessment were acceptable and has subsequently raised no objections towards the scheme. The applicant has also advised that proposed main workshop area is to be located within the south hall and an additional much smaller workshop is proposed within one of the existing portakabins behind the south hall. These locations have been chosen as they are screened from the highway by the bulk of the north hall and are in close proximity to the railway line at the rear of the site. Locating the workshops within these areas has been proposed with the aim of limiting the impact of the use on the local residents. It should also be noted that there will be approximately 31 metres between the proposed workshop and the closest property on Braybrooke Terrace and over 30 metres between the site and the rear boundary of the properties in Cornwallis Gardens.

With regards to the potential for dust or other air pollutants, the applicant has advised that there will be no hazardous materials or processes included within the operations at the site. It has been acknowledged that some sawdust will inevitably be generated by the processes undertaken in the workshops, however, this is to be contained within the premises and will be collected weekly by a designated company. A condition is attached to require the doors remain closed during the operation of machinery within both workshops.

Taking these factors into account it is considered that the proposed use would not have an unacceptable impact on the amenities of the surrounding residents.

Highway Safety/Parking

In respect of this application there is to be a provision of 5 vehicle parking spaces and 3 cycle parking spaces within the site. The Highways Authority has indicated that, based on ESCC guidance, the proposed use requires 9 spaces. Although the onsite provision falls short of this number, they have indicated that the previous use of the site would have generated a similar parking demand to that likely in this instance. Taking this and the relatively central, accessible location of the site into account, it is considered that the proposed parking provision is acceptable.

With regards to the potential for disruption from delivery vehicles, it is suggested that a condition be imposed restricting the hours deliveries can be made to and from the site. This condition is also supported by the Environmental Health Team.

Taking this in to account it is considered that the proposal would not result in an unacceptable impact on the highway in terms of safety or parking.

Conclusion

Taking the above into account it is considered that the proposed change of use would not have an unacceptable impact on the amenities of the surrounding residents and as such is acceptable in this location.

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 change of use hereby permitted shall be carried out in accordance with the following approved plans and details: H418/16/01, H418/16/03 and Waste Management Statement.
3. The A1 use contained within the North Hall shall not be used except between the following hours:-

08:30 - 17:30 Monday - Friday,
08:30 - 17:00 Saturdays,
Not at all on Sundays or Bank Holidays.
4. The B1 use contained within the South Hall and Portakabins shall not be used except between the following hours:-

08:30 - 17:30 Monday - Friday,
08:30 - 13:00 Saturdays,
Not at all on Sundays or Bank Holidays.
5. Deliveries to and from the site shall not take place except between the following hours:-

08:30 - 17:30 Monday - Friday,
09:00 - 13:00 Saturdays,
Not at all on Sundays or Bank Holidays.
6. No extraction or ventilation equipment including air conditioning units shall be installed without the prior written approval from the Local Planning Authority.
7. The area of parking within the site shall be used for vehicle parking only and for no other purposes including the storage of materials.
8. No works associated with the use hereby permitted shall take place outside of the buildings on site.

9. No power tools or machinery used in connection with the use hereby approved, shall be operated outside of the workshops. All doors and windows forming part of the buildings on site shall remain closed whilst machinery and power tools are in use.
10. No furniture, machinery, materials or other items associated with the use hereby approved shall be stored outside the buildings, other than staff cars, customer cars and refuse containers. Any furniture or materials on site for the purpose of making furniture, as part of the use hereby approved, shall be stored within the buildings only.

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 safeguard the amenity of adjoining residents.
5. To safeguard the amenity of adjoining residents.
6. To safeguard the amenity of adjoining residents.
7. To ensure an adequate level of off-street parking to serve the development.
8. To protect the amenities of the occupiers of nearby properties and the character of the area.
9. To protect the amenities of the occupiers of nearby properties and the character of the area.
10. In order to protect the character and appearance of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/16/00467 including all letters and documents