

Report to: PLANNING COMMITTEE

Date of Meeting: 23 August 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: The Ice House, Rock-a-Nore Road, Hastings, TN34 3DW

Proposal: Use of the ground and basement floors of Block A, Block B and part Block C for a mix of D1 Doctors Surgery medical facility and A3 Restaurant use and the upper floors of Block A for D1 Doctors Surgery medical consulting rooms and associated office use.

Application No: HS/FA/16/01010

Recommendation: REFUSE PERMISSION

Ward: OLD HASTINGS

Conservation Area: Yes - Old Town

Listed Building: No

Applicant: Hastings old Town Surgery per APD (Arthurs Planning and Development) Bine Farmhouse Bines Road Partridge Green, United Kingdom. RH13 8EQ

Interest:

Existing Use:

Public Consultation

Site Notice: Yes

Press Advertisement: Yes - Conservation Area

Letters of Objection: 7

Petitions of Objection Received: 0

Letters of Support: 17

Petitions of Support Received: 1

Neutral comments received 2

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

Background:

Planning permission was refused on the 8th September 2016 for change of use of the Former Ice House Hotel and Restaurant to Doctor Surgery (D1 use) under planning reference HS/FA/16/00416. Reasons for refusal were loss of visitor accommodation in a Seafront location, lack of car parking and insufficient waste storage.

The application form for the current application HS/FA/16/01010 was completed incorrectly. As such it was necessary to make the application invalid. The application was re-validated when the correct application form was received. A further period of consultation was undertaken. The petition of support and letters of representation received both before and after invalidation and revalidation have been taken into consideration.

1. Site and Surrounding Area

The site comprises development approved under planning permission HS/FA/06/00978 for the demolition of existing buildings and construction of a 6 storey building plus basement comprising blocks A, B, C & D. The permission included a restaurant at ground floor with hotel and residential apartments above described as:

"Demolition of Ice and Tan House. Construction of four blocks composed of a hotel (block A), restaurant use (A3 use) and 14 apartments (blocks B,C,D)".

The approved development commenced and the apartments are occupied. As such the hotel use is part of the current lawful use of the building. A proportion of the ground floor and the basement level extending below Blocks A, B and C and all of Block A remain unoccupied.

The building is 6 storeys plus basement standing at the foot of East Cliff below Hastings Country Park on the north side of Rock-a Nore Road.

Rock-a-Nore-Road is a narrow no-through road accessed from the main A259 running along the sea-front between the town centre and the shore. At its (east) top end there is the entrance to two large seafront pay and display car-parks managed by Hastings Borough Council (HBC). The road to the front of the application property has parking restrictions and double yellow lines to both sides. Rock-a-Nore Road lies on the seaward side of the A259 which cuts it off from the Town Centre.

Along Rock-a-Nore Road there are existing tourist businesses including the Fisherman's Museum (Grade II Listed Building), the Shipwreck Museum, the Blue Reef Aquarium, the Jerwood Art Gallery (Stade), East Cliff Railway (Grade II Listed Building) tourist attraction and the Historic Net & Tackle Stores (Grade II) clustered on the beach head. There are also a number of seafood restaurants, some residential dwellings and tourist shops some of which are heritage assets. The cliffs form a natural barrier behind Rock-a-Nore Road and the East Cliff Railway provides access to the green areas and Country Park at the top of the cliffs

There is no bus service along Rock-a-Nore Road, but there are bus services along the sea-front main A259 road some 380m distance from the application site.

The pavement to the front of the building on the north side of Rock-a-Nore Road is narrow (some 1.5m width) and has an uneven surface. On the south side it is wider (approximately 2m width).

The site and surroundings are part of the town's Cultural Quarter subject to policy CQ1 which recognises the importance of cultural activities to the local economy and takes into account the effect of any development proposals on existing cultural activities which it expects to be protected. It encourages development which assists further expansion of their role as centres for cultural and related leisure and business activities and supports development that enhances the Cultural Quarter attraction to visitors.

The site lies within the Seafront area identified on Hastings Local Plan policies map as subject to spatial policy FA6 - Strategic Policy for the Seafront. Hastings Planning Strategy seeks to regenerate Hastings and Bexhill using the seafront as the area's best asset where tourism and environmental improvements are of prime importance and encourages new visitor accommodation along the seafront and the development of all year round tourist attractions.

The site lies to the west of the Old Town within the Old Town Conservation Area.

Constraints

Site is susceptible to Superficial Deposits Flooding;

1 in 1000 year surface water flood;

Within Hastings Old Town Conservation Area.

Within Hastings Historic Core Archaeological Notification Area

SSSI Impact Risk Zone 5786 (thresholds not exceeded)

AONB High Weald Area of Outstanding Natural Beauty

2. Proposed development

The application proposes use of the ground and basement floors of Block A, Block B and part Block C for a mix of D1 Doctors Surgery medical facility, a gym and A3 Restaurant use. The upper floors of Block A for would be used for medical consulting rooms and associated office use and staff rest room.

The application relates only to the hotel and restaurant within the building, leaving the residential apartments approved under application HS/FA/06/00978 unaffected. The existing approved restaurant use (A3) will be retained on the ground and lower ground floor albeit within a smaller space dedicated to that use with an in-house pharmacy and reception area for patients now proposed at ground floor level. Doctor consulting rooms would be on the floors above ground level (18 x consulting / examination rooms and 1 x treatment room).

There would be a staff rest / conference room on the 5th floor.

Basement level of blocks A & B would be a mixed use of fitness gym /studio, disposal hold and storage area and restaurant toilets. The gym /studio at lower ground level would be used for patient rehabilitation and possibly occupational therapy for outpatients.

Health care practitioners proposed such as the physio and dieticians will be available on an ad-hoc basis with the objective of creating a one-stop health centre with a range of specialist services available on site to include physio-rehab room, pre/post-natal care and improved general medical practitioner services.

The new health centre plans to initially have 4 doctors (3 full-time and 2 part-time), 2 advanced care practitioners and 4 nurses 0.5 physio therapists and 0.5 dieticians (Total 11 full time equivalent (FTE)). However 18 consulting rooms are proposed therefore it is possible the number of staff will increase. The exact number of staff for the 18 consulting rooms has not been provided by the applicant.

The proposed opening hours are restaurant use (A3) 8:00 to 22:00 Monday to Sunday including Bank Holidays and Medical facilities D1 uses 8:00 to 22:00 Monday to Friday.

Proposed associated external changes to the building:

- The proposed external changes would place the former recessed glazed screen entrance forward of its approved position by approximately 1.25 metres leaving it slightly set back behind the cantilevered pane of the upper elevations.
- The ground floor frontage of the approved restaurant would be designed with full length glazing to fold back to open the restaurant to the street.
- The west flank elevation that is currently windowless would have square windows inserted to floors two to five plus a vertical window inserted into all floors above ground level.

The application is supported by the following documents:

Planning Design & Access Statement (including Heritage Considerations)
Supplementary Technical Note Floor Area Schedule
Reeves Transport Planning Statement
Reeves Transport Planning Supplementary Technical Note
Patient Origin Postcode Data Map; and

Submitted Confidential information: _

Addenda to Planning, Design and Access Statement
Darby Mountbank assessment of viability 14th August 2016 and associated correspondence
Applicants response to District Valuation Report dated 8th February 2017
Supporting Marketing Information

Relevant Planning History

- HS/FA/16/00416 Use of Basement, Lower Ground Floor, and Ground Floor of Blocks A and B, including first - fifth floors of Block A for a mixed use comprising D1(Doctors Surgery with ancillary medical facilities including consulting rooms, dental consultant room and pharmacy), D2 (Gym/Dance Studio) and A3 (restaurant). Refused. 08.09.2016.
- HS/FA/12/00201 Proposed east elevation windows to 4th floor and 5th floor apartments. Granted 06.06.12
- HS/FA/10/00746 Amendments to existing planning consent:- HS/FA/06/00978 (construction of hotel & 14 flats). Granted 24.12.10
1. Building height - increase on height of ridge line.
 2. Hotel Front elevation window - design change to windows.
 3. Design change to sliding doors to blocks B,C & D.
 4. West elevation paint finish - colour change.
 5. Hotels and restaurant front terrace - glazed screen to be moveable.
 6. Louvred panel either side of garage door.
 7. Rainwater pipes exposed on front elevation.

- HS/FA/08/00214 Amendment to planning permission HS/FA/06/978 including:
 1. Extension of existing basement to Ice House to provide service areas.
 2. Infill space between blocks A & B at roof level.
 3. Extend rear wall of hotel closer to rear retaining wall.
 4. Change front elevation kitchen window to Block B to a sliding door.
 Granted 23.06.08
- HS/FA/06/00978 Demolition of Tan House and Ice House. Construction of hotel and 14 flats Granted 30.04.07
- HS/FA/05/00872 Add additional floor (4th floor) to building, providing further 3 x 2 bedroom flats at 2nd floor level (additional to 6 no. maisonettes and 3 no. flats approved under ref HS/FA/05/00505. Refused 25.01.06
- HS/FA/05/00505 Conversion of Ice House to form 6 maisonettes and 3 flats behind retained and refurbished facade, including new windows and roof extension. Granted 15.08.05
- HS/CA/04/00684 Demolition of existing restaurant and redevelopment of site to provide 2 x shop units and 4 x3 bedroom maisonettes Granted 10.09.04
- HS/OA/04/00635 Demolition of existing restaurant and redevelopment of site to provide 2 x shop units and 4 x 3 bedroom maisonettes. Granted 10.09.04
- HS/LB/03/00119 To reinstate the original entrance and roof to the Ice House. GTD
- HS/FA/96/00062 Change of use from vacant garage to restaurant with flat above GTD
- HS/FA/94/00618 Change of use from Motor business use to residential. Use of ground floor as shop. Siting of caravan for use as fortune tellers business. GTD
- S/FA/88/01368 Use of forecourt as open market GTD

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Objective 7: Making best use of the Seafront and promoting tourism;

Policy FA5 - Strategic Policy for Eastern Area

Policy FA6 - Strategic Policy for The Seafront

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

Policy SC7- Flood Risk

Policy DS3- Location of Retail Development

Policy E4- Tourism and Visitors

Policy EN1-Built and Historic Environment

Policy T3- Sustainable Transport

Policy T4- Travel Plans

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 HC3– Community Facilities

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

Policy HN2 – Changing Doors, Windows and Roofs in Conservation Areas

Policy CQ1– Cultural Quarters

Other Policies/Guidance

Supplementary Planning Document (SPD) Retention of Visitor Accommodation (adopted December 2015).

Supplementary Planning Document (SPD) Parking Provision in New Developments (October 2013)

Hastings Culture- Led Regeneration Strategy for Hasting 2016-2021

Hastings Cultural Regeneration Strategy 2010 -15

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.

NPPF requires LPPF to be consistent with and accord with national Policy and a number of paragraphs of the NPPF are relevant to this proposal including :

Paragraphs 7, 8, 11, 12, 14, 17, 19, 20, 21, 23, 70, 126, 131, 160, 197.

3. Consultations comments

Marketing and Tourism Officer - Objection

Their comments are unchanged from earlier application HS/FA/16/00416:

The change of use, if approved, will result in the loss of hotel accommodation. In view of the importance of serviced visitor accommodation to the town's economy, there is a presumption against the loss of serviced accommodation subject to economic viability considerations. The relevant planning policies are: Policies E4 and FA6 of the Hastings Planning Strategy (2014), although other Local Plan policies will also be relevant.

Key policy issues in relation to this planning application are the location of the proposed development and the importance of visitor accommodation in this locality and the retention of existing high quality visitor accommodation within the town. This Council attaches significant importance to the retention of serviced visitor accommodation in the town and the application is not supported by Tourism and Marketing.

Highways - No Objection subject to Agreement

Highways note that the proposal will generate additional traffic along Rock-a-Nore Road but comment that this is not new traffic on the local network noting the existing surgery nearby. They do not consider the additional traffic on the road network to be of a level that warrants refusal.

ESCC Highways Authority recommend a minimum of 13 car parking spaces to be provided within the Rock-a-Nore Seafront car park (7 for doctors and 6 for patients, 3 of which would be disabled parking spaces). Should provision of secure patient parking in the public car park not be feasible they do not consider this would be reason for refusal.

Highways advise that a Travel Plan Statement is required and a new pedestrian crossing with dropped kerbs and tactile paving be provided on Rock-a-Nore Road (exact position to be agreed). All off-site works will require a road safety audit. They consider it likely that these relatively minor works could be carried out under a licence rather than requiring a S278 Highway Agreement.

Highways comment that whilst the development is not ideal for ambulance access in the event of an emergency it would be possible without causing major traffic inconvenience.

Highways draw attention to the extant hotel use and advise that car parking approved for that use should be taken into consideration.

Hastings Borough Council Parking Management - **Object**

HBC Parking Management Team note that the proposal relies on parking in the Rock-a-Nore seafront car park which is managed by Hastings Borough Council. Parking Management have agreed to provide 7 parking spaces for doctors to be controlled through a bollard system. However the requirement of 6 parking spaces for patients could not be operated through a bollard system. While they are willing for 6 places to be used by patients the Parking Management Team will not mark out or sign 'patient reserved' places as they would not be feasible to effectively manage. The suggestion that 6 patient spaces can be provided effectively in this way to support the function of the proposed surgery is therefore in question.

Conservation Officer - **No Objection**

Comments are unchanged since the previous application:

The scheme drawings show only relatively minor external changes to the existing building neutral in their impact and will not harm the significance of the surrounding conservation area or harm the setting of any adjacent listed buildings. The Officer recommends planning conditions to be attached.

Waste - **No Objection**

Further to submission of the waste management details submitted June 2017 in the Addenda to the earlier Planning, Design and Access Statement, Waste have no objections.

Licensing - **No Objection subject to Informative**

No further comment from previous application HS/FA/16/00416 that from a licensing perspective, the A3 restaurant will require a premises licence under the Licensing Act 2003 to authorise the sale by retail of alcohol for consumption on the premises, under the 28 day consultation process. Rock-a-Nore Road is not within the Old Town saturation policy / cumulative impact zone.

Environmental Health - Food safety - **No Objection subject to Informative**

They provide advisory comments that may be attached to any decision to approve as an informative. They have no further comment from previous application HS/FA/16/00416 when

they considered that the legislative requirements are met as regards toilet facilities and, therefore, they were able to support the application and had no adverse comments to make.

Environmental Health- Noise - **No Objection subject to Informative**

No further comment from previous application HS/FA/16/00416 when they raised no objection to the proposed development subject to submission of details of noise attenuation and extraction schemes. The Officer proposed a number of planning conditions that it would be necessary to attach to any decision for planning approval.

Building Control - **Comment**

Building control confirmed that the notification dates for the development approved under HS/FA/06/00978 were:

Commencement 10.04.2008

Completion 12.01.2009

4. Representations

26 representations received from 23 different properties.

7 x letters of Objection Received (from 7 different properties) raising the following concerns:

- Loss of existing surgery on Roebuck Road
- Rock-a-Nore Road not served by public transport / access for patients/ narrow pavements
- Rock-a Nore Road has parking restrictions/ lack of parking.
- As a disabled patient the move would cause access difficulties
- Development would cause traffic congestion / gridlock to the already busy Rock-a-Nore Road and main sea-front car park.
- Likely nuisance parking on double yellow lines / lack of patient drop-off point.
- Patients being dropped off and collected along Rock-a-Nore Road causing traffic delays
- Adverse impact on tourist access and tourist economy/ Application entirely inappropriate to the main visitor attractions.
- Detriment to local businesses on Rock-a-Nore Road from increased traffic congestion / and decrease in visitor car-parking spaces.
- Proposed Doctor Surgery Use not in-keeping with the vision for the area as a focus for cultural activity (Policy CQ1).

17 x Letters of support received (from 14 different properties) for the following reasons:

- Inadequate disabled parking at existing Roebuck Surgery - Hastings Old Town Surgery has two designated disabled parking spaces directly outside the surgery and this is by far inadequate and sometimes they are taken up by other users resulting in a long walk when you have mobility problems.
- Difficult for wheelchair access at existing Roebuck Surgery
- Roebuck Surgery is out-of-date and no longer suitable for all facilities required of a modern health practice. There is no possibility of refurbishment.
- Rock-a-Nore proposal only viable alternative to existing out-of-date Roebuck Surgery

- Need for new medical facility for Old Town Residents / improvement to Health Care facilities /Health & Welfare of Local Residents
- Proposal will improve provision of healthcare in Old Town.
- More GPs and services will mean they may be able to offer weekend service
- Current Roebuck Surgery needs to move and Rock-a-Nore Road would be an ideal location close to Old Town.
- Modern well equipped medical centre exactly the kind of facility town ought to aim for.
- Health care takes priority over an empty hotel shell and would reduce pressure on A&E.
- Rock-a-Nore proposal will keep new surgery in the locale
- Rock-a-Nore proposal easily accessible (particularly to residents living on the east side of the Bourne)
- Rock-a-Nore proposal the pavements provide for disabled and mobility vehicles with bus stops both sides of the road and a stagecoach service to Conquest Hospital.
- Rock-a-Nore north side section of public footpath is a disgrace, particularly to people with restricted mobility and the proposal contains an offer to help improve this.
- Better parking for patients than at Roebuck Surgery
- Parking problems can easily be resolved through use of the sea-front car park.
- Visitor numbers likely to be at their highest at weekends with doctors surgery likely to be closed at weekends so visitor parking is not a valid argument.
- Unlike a hotel, there will be little need for extensive car parking facilities
- Proposed change will increase footfall for local businesses, patients may use surrounding businesses whilst being there.
- No commercial concern is interested in converting the building into a viable hotel it has stood vacant for years.

2 x Letters of General Comment received neither objecting to nor supporting application:

- Actual building would be fine
- New medical centre positive
- The pavement would have to be improved along Rock-a-Nore Road
- The traffic situation along Rock-a-Nore Road would have to be resolved
- There would need to be clear access and egress when an ambulance called
- Would there be designated car parking places for patients and medical staff?
- Concern over traffic fumes from queuing cars
- The plans as submitted are not an improvement on the current Roebuck Surgery building, they show fewer consulting rooms (11 + a treatment room) than at the present surgery, less waiting area and no increase in toilet facilities. Unclear how the lift would accommodate number of patients (at average patient appointment time of 10 minutes) over 5 floors and how building would be safe re fire evacuation and overcrowding.

A petition signed by 1,632 people received:

The petition is an objection to the refusal of the previous planning application HS/FA/16/00416 and states that the revised application HS/FA/16/01010 (this application) should be approved.

Reasons given are:

- That loss of hotel bed spaces is not a valid reason for refusal;
- a) That the proposal for a modern health centre serves a higher objective than tourism policies.

5. Determining Issues

The main issues in determining this proposed use as a surgery are:

- b) Loss of existing use - Hotel and visitor accommodation;
 - Proposed Use;
 - Accessibility;
 - Highway safety
 - Parking for this proposed change of use and the number of parking spaces required. The impact car parking demand generated would have on the sea-front parking available to visitor parking supporting the local tourism businesses.
 - Highway issues - accessibility for patients and emergency ambulance via Rock-a-Nore Road.
 - Heritage - Impact on the character of the Old Town Conservation Area from any external changes to the building.
 - Waste management issues - whether the waste storage and collection proposed would be suitable to the restaurant use and GP surgery requirements.

a) Principle

Policy LP1 of Hastings Local Plan - Development Management (2015) sets down priority for considering planning applications. This proposal is determined using national guidance and the policies of Hastings adopted Local Plan. In this case the proposed development would be contrary to the planning principles of Objective 7: Making best use of the Seafront and promoting tourism and contrary to planning policies E4, SC1 and FA6 of Hastings Planning Strategy 2011-2028, adopted February 2014 and policy CQ1 of Hastings Development Management Plan 2015 and is therefore not considered acceptable in principle.

b) Loss of Existing Use

The application proposes loss of a 14 bedroom hotel in a seafront location. Whilst the hotel is still in shell-form, technically the use is lawfully established as the relevant planning permission has been implemented.

Policy E4 of Hastings Planning Strategy addresses Tourism and Visitors and states that the Council will work to promote and secure sustainable tourism development in the town. A more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy. The seafront is seen as the core resort area and particular support is given to measures and proposals which are well related to the seafront. New visitor attractions are encouraged and those that already exist will be protected, unless it can be demonstrated they are no longer economically viable either in existing or adapted form. The Supplementary

Planning Guidance (SPD) for Visitor Accommodation further expands on these points.

The priority areas identified in policy E4 of Hastings Planning Strategy for retention of serviced visitor accommodation are the Seafront, the Old Town and the Town Centre. The application site is situated in the seafront area. In these areas, there is a presumption against a change of use away from existing tourist accommodation unless it is no longer viable or is incapable of improvement to a good standard.

Policy CQ1 of Hastings Local Plan recognises the importance of cultural activities within Hastings. Four Cultural Quarters have been identified one of which is the Old Town and the Stade Cultural Quarter where the continuance of visitor attractions and expansion will be encouraged and supported. Under policy CQ1 proposals are viewed in terms of their contribution to the mix and diversity of uses to enhance the Quarters tourism attraction to visitors.

Rock-a-Nore Road is an important seafront location within the Old Town and Stade Cultural Quarter. It is home to an economic agglomeration of tourist attractions including the Fisherman's Museum, the Shipwreck Museum, the Blue Reef Aquarium and the Jerwood Art Gallery, a number of seafood restaurants and the East Cliff Railway (Heritage asset). At the top of the cliff is an Area of Outstanding Natural Beauty (AONB) including Hastings Country Park Special Area of Conservation.

Strategic Policy for the Eastern Area FA5 encourages the retention of existing and provision of more high quality visitor accommodation along the seafront and seeks to protect the unique townscape of Hastings Old Town, a visitor attraction in its own right. Strategic Policy for the seafront FA6 encourages new visitor accommodation along the seafront and the development of all year round tourist attractions to provide permanent jobs.

The existing tourist attractions along Rock-a Nore Road are economically important to the Tourism economy and the Council seeks to protect them and the Marketing and Tourism Officers have drawn attention to a growing demand for visitor accommodation in Hastings.

The proposed loss of the hotel would be contrary to planning policies E4-Tourism and Visitors; CQ1– Cultural Quarters; FA6 - Strategic Policy for The Seafront.

It is noted that the Council acknowledged in its pre-application advice that the application site (block A) has remained vacant since built and are keen to have the building brought into use. However the Council also drew attention to policy E4 of Hastings Local Plan and the SPD for Visitor Accommodation and pointed out that policy E4 must be adhered to.

c) Proposed Use

When this application was originally submitted, 11 consulting rooms/ examination rooms were applied for and this increased to 18 consulting rooms/ examination rooms for the re-validated application.

The applicant has stated that the capacity of the practice to increase is dependent on patient numbers and government funding; that is difficult to predict but the expectation is an additional doctor is likely within 5 years and services such as occupational therapy for

outpatients is likely to develop.

The physio will use the gym/studio for patient rehab purposes and possibly for outpatient occupational therapy treatment sessions. It will not be used as a general fitness studio. Had this application been recommended for approval, a condition to restrict the gym use to doctor patients could have been applied.

The restaurant would be retained.

The Council supports the concept of the creation of a new surgery in general but the surgery use in this location is not compatible with tourism policies. This use generates an estimated requirement for in excess of 72 parking spaces. Highways, as discussed below, consider that car parking for the surgery may be accommodated in the seafront car park and have accepted that 13 reserved spaces will be sufficient. There are concerns over the ability to provide these spaces effectively and this is discussed further under parking below. The National Planning Practice Guidance states that a well-designed place is one that functions well and is fit for purpose. Ref ID 26-016-20140306.

It is considered, as will be set out later in the report under the headings Accessibility, Highways and Parking, that the site is not suitable for the proposed use in respect of accessibility for patients and other potential customers.

The site is located in the Old Town and The Stade Cultural Quarter subject to Planning Strategy policy CQ1 which recognises the importance of cultural activities to the local economy. It takes into account the effect of any development proposals on existing cultural activities which it expects to be protected. It encourages development which assists further expansion of their role as centres for cultural and related leisure and business activities and supports development that enhances the Cultural Quarters attraction to visitors.

The site is in Strategic Policy Area FA6 for the seafront which encourages new visitor accommodation along the seafront and the development of all year round tourist attractions to provide permanent jobs.

The proposed surgery use is considered to be contrary to these policies and the high demand for parking generated by the surgery is considered likely to detract from the viability of the nearby tourist attractions that rely on the Rock-a-Nore car park being available to visitors during the tourism season.

Policy E4 goes beyond preference for tourism. It is intended to protect the Tourist economy that is highly important to the Town's economy and prosperity and to employment that contributes to the health, welfare and social needs of residents.

On balance the benefits from this proposed change of use are not considered to out-weigh the loss of visitor accommodation or to fully overcome the drawbacks of this location to the proposed use.

d) Accessibility

Policy DM4 provides policy for general access including safe access into (and within) development for all users, especially for people with a physical or sensory impairment.

As discussed in the delegated report for the previously refused application Government guidelines on Inclusive Mobility (15.12.2005) are that provision should be made for car parking spaces for disabled motorists wherever conventional parking spaces are provided. In off-street car parks operated by a Local Authority and in car parks offered for public use by private companies, spaces for blue badge holders should be provided as close as possible, preferably within 50 metres of the facilities served by the car park with level or ramped (preferred gradient 5%) access.

And:

Where the provision of designated parking spaces close to the building is not possible, a setting down point for disabled passengers should be provided on firm and level ground, close to the principle entrance to the building. The surface of the pavement or footpath alongside a setting-down point should be level with the carriageway at this point. Tactile indication of this type of setting-down point is necessary to enable people with impaired vision to determine whether they are on the pavement or the carriageway.

And:

For walking distances for mobility impaired using stick the recommended distance limit without a rest is 50 metres.

The distance to bus stops for this application is beyond these guidelines. The submitted Reeves Planning Statement gives the nearest bus stop some 380m distant accessed from the A259 at the bottom of Rock-a-Nore Road and there is no patient setting down point proposed for the surgery.

The Reeves Statement under the title 'Accessibility by Foot and Cycle' sets out average commuting distances for these alternative modes of transport for reasonably fit people. It then goes on to recognise that for many clients of this proposed development such sustainable transport will not be a realistic option given their likely medical condition and that given the constrained nature of the site that car and cycle parking facilities cannot be provided as part of the proposal.

The Policy Team have spent time considering alternative sites and on researching an alternative site in Hollington for this proposed use. However to-date the Rock-a-Nore site remains the applicant's preferred site for the new surgery.

A new pedestrian crossing place with tactile paving secured by planning agreement would be required to improve pedestrian access, but still would not make this an ideal location for the proposed use. The north side of Rock-a-Nore Road from the hotel up is narrow (approximately 1.5m width) and has an uneven surface. Highways have pointed out that the south side of the road has a wider footpath (2m width) and suitable for patients.

It is noted that the existing Roebuck Surgery situated on the corner of Roebuck Street and the High Street, which the proposed surgery would replace is in a more accessible location than the application site. The existing Roebuck Surgery has two private doctors parking spaces to the rear of the surgery and there are two disabled parking spaces available on the High Street to the front of the surgery. There is a public car park to the rear of the Roebuck Surgery (the Bourne car park) that has a short pedestrian passage leading from the car park to the High Street approximately 60m from the surgery entrance. Furthermore the Roebuck Surgery benefits from regular close bus services along The Bourne (A259).

The use of this site for the proposed surgery is not considered to be acceptable regarding patient access, parking or dropping off for users and is contrary to policy DM4 of Hastings Development Management Plan for general access and policy SC1(c) of Hastings Planning Strategy.

e) Highway Safety

Policy DM3 of Hastings Local plan requires that it can be adequately demonstrated that there is no safety risk to the public and that development is appropriately protected from busy roads. Policy DM4 states the attention that must be paid to safe access to development.

ESCC Highways have required submission of a Travel Plan Statement (TPS); a new pedestrian crossing with dropped kerbs and tactile paving be provided on Rock-a-Nore Road (exact position to be agreed); and a minimum of 13 car parking spaces to be provided within the Rock-a-Nore Road seafront car park for doctors and patients.

A Green Travel Plan Statement is required to encourage staff and visitors to use none car travel modes however this has not been progressed given that the proposal is being recommended for refusal.

The exact location of the pedestrian crossing requires investigation and would be secured by planning agreement with the applicant had the application been recommended for approval. All off-site works will also require a road safety audit. They consider it likely that these works could be carried out under a licence rather than requiring a S278 Highway Agreement. This matter has not been further progressed given that the proposal is being recommended for refusal.

Highways have commented on concerns raised by Hastings Borough Council and in representations received regarding the poor condition of the pedestrian footpath along Rock-a-Nore Road and they consider that while the north side of the road is uneven the south side of the road has pavement that would not cause significant problems for patients.

Post submission of the Reeves Traffic Impact Assessment (TIA) Highways commented that whilst the development will generate additional traffic in the area, the increase could not be considered significant. The Highways officer is satisfied that the busiest periods of use for a majority of the facilities proposed are unlikely to coincide with the general peak traffic period on the highway and therefore the impact of congestion in the area would not be perceptible.

The opening hours proposed are restaurant use (A3) 8:00 to 22:00 Monday to Sunday including Bank Holidays, and Medical facilities D1 uses 8:00 to 22:00 Monday to Friday. These hours could be conditioned if recommendation of approval were put forward. Weekday use only for the surgery would mean that concerns regarding surgery use of the car park at peak times would not coincide with the busiest tourist and visitor weekend times.

ESCC Highways consider that whilst the development is not ideal for ambulance access, in the event of an emergency it would be possible without causing major traffic inconvenience.

Highways raised concern that without suitable car parking arrangements close to the surgery disabled drivers may park on the street disrupting traffic flow. With this in mind the applicant would try to secure the use of 6 patient parking spaces in the public car park closest to the site. This is discussed further under 'Parking' below.

f) Parking

The current application proposes no car parking provision to serve the new proposed surgery. The application is for car-free development served by public transport and other modes of transport and would rely on use of the seafront public car park, Rock-a-Nore Road.

Supplementary Planning Document (SPD)- Parking Provision in New Developments at Appendix A sets car parking guidelines for proposed D1 use at 4 spaces per consulting room plus 1 space per two auxiliary staff on duty at any time and 1 cycle parking space per consulting room making the estimated level of car parking spaces for this proposal to be in excess of 72 spaces.

The approved Hotel is a 14 bedroom hotel (3 bedrooms each on floors 1, 2, 3 and 4 and two further bedrooms shown on the floors above). The SPD for parking guides 1 space per bedroom plus 1 space per resident staff plus 1 space per 2 non-resident staff for hotel use. Whilst to date the hotel has not been commercially operated and so the exact number of staff is not known, using the SPD figures it is estimated at 14 spaces for the number of bedrooms plus staff parking would be unlikely to exceed 20 spaces overall. The estimated parking provision for the hotel use is therefore significantly lower than the estimated provision for the proposed 18 consulting room surgery (D1 use).

There was no private hotel parking proposed or approved so where parking is required for the hotel the Rock-a-Nore car park is likely to be used. Given that hotel parking is associated with tourism, this would not be contrary to tourism policy, the purpose of the car parks being to facilitate visitor parking. Parking for hotel guests was not reserved in the car park but season parking tickets could have been purchased although this would be no guarantee of available spaces.

While two reserved parking bays were created for use by developers associated with the hotel development during 2013 these permits expired at 31.10.2015.

Two objections have been received from existing tourist businesses on Rock-a-Nore Road for this proposed development. Each has raised the issue of car parking problems, traffic congestion and the adverse impact on visitor parking for the tourist attractions nearby that this development would cause.

Highways recommended that 13 car parking spaces be secured in the public seafront car park for the surgery use (7 doctor spaces and 6 patient spaces (3 of which would be disabled spaces). They considered that this core provision would ensure that there would be some parking provision available for the surgery even during peak congested times thereby reducing the likelihood of patients being dropped-off along Rock-a-Nore Road which would add to highway congestion.

The Council has agreed to the leasing of 7 doctor parking spaces in the Rock-a-Nore car park. The 7 doctor spaces would need to be secured through a bollard scheme to be arranged under a car parking licensing agreement prior to the surgery use commencing. To date the applicant has agreed in writing to meet the costs of implementing a bollard scheme and to meet on-going maintenance and parking costs but this has not been progressed further as the recommendation is for refusal.

Highways recommend that 3 of the 6 patient spaces required should be disabled spaces. The existing 15 disabled / blue badge spaces are oversubscribed during the summer tourist season. Parking Management have said that there is scope to increase the number of disabled parking bays in the car park should demand increase, however, these would not be secure or reserved spaces specific for the surgery use.

The requirement for provision of 6 parking spaces reserved for patient use could not be operated through a bollard system. Should patient bays be marked out as reserved a Parking Warden would not be able to tell whether cars parked in these spaces were patient cars or visitors. Also Parking Management point out that in their experience day visitors at busy peak season are likely to park in 'reserved' car parking spaces and pay the parking -fine. Parking management enforcement is by issue of parking ticket and they would not be able to guarantee that car parking spaces marked out as 'reserved' for patients would not be subject to unauthorised use by other users at peak times. Highways have recommended that 6 reserved patient parking places be provided to ensure patient parking would be available even at peak congested times and this is recommended in order to avoid patient drop off along Rock-a-Nore Road that would add to the traffic congestion at busy times. While the Local Planning Authority has concerns that peak times are when spaces marked out as reserved are most likely be taken by unauthorised users, Highways have commented that in the event that 6 patient reserved parking spaces were not provided in the seafront car park that they do not consider this would be a reason for refusal.

While Parking Management are willing for 6 places to be used by patients and could agree to mark out and /or sign 'patient reserved' places, they consider that it would not be feasible to effectively manage them and therefore would not be fit for their intended purpose. The suggestion that 6 patient spaces can be provided effectively in this way to support the function of the proposed surgery is therefore in question as the provision of the recommended reserved patient parking spaces could not be guaranteed. Were a parking licence agreement to be entered into for the provision of 6 patient car parking spaces for the proposed surgery, Highways have strongly advised that an agreement be caveated that Hastings Borough Council could not be held responsible for guaranteeing that these spaces were not used by other unauthorised users.

The submitted Reeves Planning Statement estimated that 236 people would travel to the hotel per day. It is not clear how this high figure accurately corresponds to the 14 bedroom hotel. Reeves Planning has since estimated that the proposed use would create an additional 76 vehicle movements per day compared to the 14 bedroom hotel use. However it needs to be noted that this estimate was based on the initial 11 consulting rooms, whereas the revalidated application is for 18 consulting rooms (an approximate 60% increase) and so these figures are likely to be an under-estimate.

The Reeves Statement gives average GP patient visits per day at 112 (out of which 35 on average would be car drivers and 27 car passengers) This would mean approximately half of patients would travel by car and the remainder on foot or by public transport. It calculates that on the basis of appointments usually lasting 10mins on average that during the busiest periods the increase in car parking demand would equate to three or four vehicles at any given time but this does not appear to take average patient waiting times / visit over-lap time into consideration.

For the above reasons it is considered that secure patient parking would not be feasible in the busy sea-front public car park.

ESCC Highways comment that lack of provision of 6 reserved patient parking spaces in the seafront car park while recommended would not be sufficient reason for refusal of this proposal .

g) Viability

Given policy E4 of Hastings Planning Strategy provides a presumption against loss of visitor accommodation in prime areas and the site is within a prime seafront location there is a presumption against its loss unless it is no longer viable or is incapable of improvement to a good standard. The issue of the hotel's viability and how it has been marketed as a commercial concern was fully considered in the assessment of the previous refused planning application HS/FA/16/00416. There has been no change in policy since that time and the viability of the hotel remains relevant and is discussed further below.

Whether the hotel use is viable is a main consideration. Confidential costing's for the fit out of the property as a 14 bedroom hotel were submitted from Murphy Associates acting for the applicant

The figures provided by the applicant estimated the fit-out costs to be significantly higher than the £500,000 difference in the marketed asking price for fit-out. The estimated costing's submitted showed the hotel use to be unviable.

The District Valuation Office Service (DVS) highlighted the following areas where they did not agree with the figures provided and concluded that the hotel and restaurant is a viable concern that generates a positive land value.

- The DVS considered build costs from shell were over estimated by some £432,415;
- They considered the hotel value to be underestimated by £100,000
- They highlighted that no figure had been given for the restaurant value
- No figure had been given for the residual value to include the restaurant
- The residual value figure given by the applicant, excluding the restaurant was given as a negative loss figure, whereas the DVS assessment found a positive figure of £350,000 for the residual value including restaurant and £250,000 excluding the restaurant.

The DVS point out that is unclear as to how build costs for the hotel are being apportioned to the hotel and restaurant from the costs of developing the overall scheme which included 14 apartments.

The DVS strongly call into question whether the viability of the three elements of the development approved should not be considered together. They were developed as one scheme and the residential element is the most profitable element, significantly increasing the viability of the over-all scheme.

The current application is for change of use of the hotel block and restaurant elements only. However even leaving aside the profitability of the overall scheme, the DVS find the hotel and restaurant to be a commercially viable concern.

The findings of the DVS have been challenged by the applicant specifically in respect of the cross subsidy from the residential element, development construction costs and undervaluation of the of rent and capital value and the fit-out costs.

The DVS has been commissioned to assess the area covered under the existing planning permission only (hotel and restaurant). Their final report is awaited as an addendum to this report.

To date it is considered that the previous reason for refusal remains. The loss of the hotel is contrary to the Tourism and Cultural Quarter policies set out above. The submitted viability report and associated correspondence have not been able to justify the loss of hotel use. The application is therefore contrary to policies E4, FA5 and FA6 of Hastings Planning Strategy, CQ1 of Hastings Development Management Plan and the SPD on visitor accommodation.

h) Marketing

The SPD on visitor accommodation is relevant to this application and has been considered. The SPD provides a check list of evidence of how the property has been marketed. Whilst this building was approved in 2008, the following demonstrates that as late as 2012 works were still being undertaken and that commercial marketing by Dyer & Hobbis was not commenced until 2014.

Planning permission for the hotel was granted in April 2007. Building Control records show that the start date for the development was 10.04.2008 and the completion notice date was 12.01.2009. The planning history shows amendments to the plans were approved as late as December 2010 and changes to the east elevation windows approved as late as June 2012.

Dyer & Hobbis were first engaged to commercially advertise the development 13th October 2014. Dyer and Hobbis advise that the current applicant viewed the property on the 24th April 2015, 6 months after they started marketing the property and that purchase of the property was agreed with instruction of solicitors on the 23rd June 2015. Exchange of contracts occurred on the 16th April 2016. The Planning Authority considers that this indicates that the sale was agreed within months of being commercially marketed. The exact date when Dyer & Hobbis first started to display the property as sold is not known, but at July this year the on-line advertising status for this property is 'sold'.

In essence the sale was agreed within 6 months of being marketed by Dyer & Hobbs and this suggests that the commercial marketing met with quick success indicating that the site is viable. While the developer argues that the applicant is the only interested party that has come forward to purchase this property, the Planning Authority does not accept from the evidence submitted that the hotel is not a viable marketable concern.

The Council does not accept that the hotel is no longer viable or incapable of improvement to a good standard either in existing or adapted form and therefore the loss of the hotel cannot be justified. It would be contrary to policy E4 of the Planning Strategy.

i) Other Socio -Economic Considerations

Need for Doctors Surgery:

The National Planning Framework guides on the importance of an integrated approach to planning that takes into consideration social need. Weight is therefore given to the applicant's need for suitable NHS premises to meet NHS standards. The submitted Design and Access Statement states that, in order to meet NHS requirements at least 4 surgeries to a higher standard to be provided than their existing facilities at Hastings Old Town Surgery, with improvements to include disabled access are needed to meet their business plans.

The Council is supportive of the social benefits of Doctors Surgeries particularly premises used by a number of surgeries. The Forward Planning Policy Team and HBC Estates Department works pro-actively with applicants proposing new medical facilities within the town. A promising site in Hollington has been suggested but to date the applicant's choice remains the Rock-a-Nore site for this proposed surgery use.

j) Heritage

Policy DM1 of the Hastings Local Plan sets the design principles for new development including that proposals must reach a good standard of design and protect and enhance local character. The site is within the conservation area and policy HN1 sets the criteria for assessing development with the potential to impact on the significance of designated heritage assets (including conservation areas) and includes the appearance, materials and finishes in relation to the heritage assets. While the building is new it is situated within the Old Town conservation area and the design as approved paid particular attention to enhancing the area and the dark external boarding materials complemented and reflected the old net drying sheds situated on the opposite side of Rock-a-Nore Road that are Grade II* listed buildings. The submitted Design and Access Statement states that the external changes to the approved building are relatively minor and heritage issues are minor to non-existent.

The external alterations proposed include placing the former recessed glazed screen some 1.25m forward of its approved position (with a slight set back behind the cantilevered pane of the upper elevations) and the terrace to the front of the approved restaurant fitted with full length glazing designed to fold back. The approved west elevation finished with black weatherboarding from ground level to eaves height would have small square windows inserted from 2nd to fifth floor inclusive. A vertical window would be inserted into all floors above ground level on the west elevation.

The Heritage Officer has been consulted and commented that the proposed alterations are neutral in their impact and will not harm the significance of the surrounding conservation area or harm the setting of any adjacent listed buildings and the proposed external alterations would be acceptable subject to planning conditions on design, fitting and materials:

- The new windows to the western flank elevation shall be set back into the same depth of reveal as the windows on the front elevation of the building and the edge treatment of the timber cladding around the reveals shall match that used on the front of the building.
- The new windows and doors shall have a black stained finish to the frames to match those on the rest of the building.
- 1:10 elevations of the proposed new windows and doors to be submitted for approval.

The proposed external alterations are considered acceptable to the character of the Conservation Area

6. Conclusion

The proposal would result in the loss of a hotel within the seafront prime tourism location and Cultural Quarter and its loss would be contrary to Local Plan policies:

Hastings Local Plan – Development Management Plan (2015)

CQ1– Cultural Quarters.

Hastings Local Plan – Planning Strategy (2011-2028)

Objective 7: Making best use of the Seafront and promoting tourism;

FA6: Strategic Policy for The Seafront; SC1- Overall Strategy for Managing Change in a Sustainable Way; E4- Tourism and Visitors.

And Supplementary Planning Documents (SPD) Retention of Visitor Accommodation (adopted December 2015)

The site is inappropriate for this proposed mixed-use that would include multi-GP surgeries; ground floor in-house pharmacy and restaurant and basement gym. The stated need for alternative NHS premises for this Surgery does not outweigh the strategic tourism policy for the seafront and local plan policies and other material considerations that support the tourism economy and the need for good quality visitor accommodation.

The proposal would not provide good accessibility for all, especially for people with a physical or sensory impairment contrary to policies:

Hastings Local Plan – Development Management Plan (2015)

DM4 - General Access

Hastings Local Plan – Planning Strategy (2011-2028)

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

These proposals fail to comply with the development plan in accordance with Section 38 (6) of the Page 37 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

Refuse permission

Refuse for the following reasons:

1. Loss of existing use - Tourist Accommodation and Cultural Quarter:

The proposed development would result in the loss of tourist accommodation in the Seafront location contrary to policy E4 of the Hastings Planning Strategy to promote and secure sustainable tourism development in the town and protect those that already exist. Furthermore the proposed use would not be appropriate to the Old Town and Stade Cultural Quarter and thereby undermine the cultural aims of policy CQ1 to contribute to and enhance their attraction to visitors.
2. The accessibility of the site is considered to be poor contrary to government guidelines 'Inclusive Mobility' 2005 and policies DM4, criteria f).of the Hastings Development Management Plan 2015 and policy SC1, criteria c). of Hastings Planning Strategy 2014. This is particularly relevant in respect of persons with a physical or sensory impairment and patients who are not able to walk long distances.

Officer to Contact

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Background Papers

Application No: HS/FA/16/01010 including all letters and documents