

Report to: PLANNING COMMITTEE
Date of Meeting: 10 October 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: Former Lifeguard Hut at Pelham Beach, Pelham Place, Hastings
Proposal: Change of use from sui generis to D1 (childrens playhut)
Application No: HS/FA/18/00735

Recommendation: Grant Full Planning Permission

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

Applicant: Hastings Borough Council Muriel Matters House
Breeds Place Hastings TN34 3UY

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
Letters of Objection: 0
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated -
Application is by Hastings Borough Council

1. Site

The application site comprises a single-storey beach hut located on the back edge of the beach adjacent the pedestrian and cycle path. The timber hut is painted blue and was previously used as a lifeguard hut until a new prefabricated lifeguard hut was located just to the south of the site. The hut measures 28 sqm.

Constraints _

- Flood Zone 3
- Archaeological Notification Area

2. Proposed development

Retrospective change of use from sui generis to D1 (children's play hut).

The hut has been operated by Hastings Borough Council Leisure Team since April 2018 and supports the provision of an open access community play session on the beach. The hut is used to store play equipment which is taken onto the beach during each play session. Internally the hut comprises three storage areas and a small kitchen.

The application is supported by the following documents:

- As existing and proposed floor plans
- New use statement

Relevant Planning History

HS/AA/18/00736 - 2x Banners 45cmx120cmx1cm and 4x metal signs 45cmx60cmx1cm – Pending determination. Presented to committee at the same time as this application.

3. National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

DS1 – New Housing Development
FA2 - Strategic Policy for Central Area
FA3 - Strategy for Hastings Town Centre
FA6 - Strategic Policy for The Seafront
EN1 – Built and Historic Environment
SC7 - Flood Risk
E3 – Town, District and Local Centres
C12 – Sports and Leisure Facilities
C13 – Children's Play Provision

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering planning applications
DM1 - Design Principles
DM3 - General Amenity
DC3 – Community Facilities
HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Paragraph 12 of the National Planning Policy Framework states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 92 (Promoting healthy and safe communities) of the National Planning Policy Framework states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Paragraph 192 of the National Planning Policy Framework states in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the National Planning Policy Framework states When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4. Consultation comments

HBC Marketing – **Support** the change of use

Foreshore Trust – **No comments** received

Conservation Officer - **No objections**. Does not consider that the change of use will in any way harm the character or appearance of the Old Town Conservation Area. There will be no harm to the setting of any nearby listed buildings.

5. Representations

None received.

6. Determining Issues

The key considerations are considered to be the visual impact on the character of the

conservation area and seafront setting and whether the use is appropriate for this location.

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

a) Principle

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

b) Proposed Use

Policy C12 of the Development Management Plan advises that inclusive sport and leisure facilities play an important role in addressing inequalities, improving quality of life and enhancing community interaction. The Council recognises that it is essential for all residents to have access to a range of leisure opportunities and the importance of maintaining a geographical distribution of facilities to meet local community needs.

The reuse of the vacant beach-side hut would enhance the appearance, vitality and viability in this part of the borough and seafront location in accordance with the aims and objectives of policy E3 of the Planning Strategy which seeks to encourage a mix and diversity of uses including leisure, social, education and cultural uses. Policy E3 also promotes the reuse of vacant buildings.

The new use as storage for beach leisure activities is considered to be compatible with this seafront setting and would encourage and enhance children's leisure opportunities on the beach which would enhance the vitality of the beach and surrounding area. There are some similar beach type leisure uses in the immediate area, however, it is considered that the proposed change of use would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder due to size of the unit and nature of the children's activities.

Overall it is considered that the proposed change of use would bring a vacant building back into a positive use that would enhance children's leisure provision and improve the vitality and viability of the seafront location and wider area in accordance with policy E3 of the Local Planning Strategy, policy C12 of the Development Management Plan and the aims and objectives of the National Planning Policy Framework.

c) Impact on Neighbouring Residential Amenities

Given the separation distances to the nearest residential property and seafront location there are not considered to be any unacceptable residential amenity impacts from the new use .

The application form indicates that the hut would be in operation from 11:30am to 5:30pm on Monday to Saturday. Given the beach front setting, size of the hut, type of children's leisure use and separation distance from residential properties it is not considered necessary or reasonable to restrict / control the operating hours of the hut via a planning condition.

d) Highways

The site is situated in a sustainable location with good pedestrian access to public transport and local facilities, therefore, users of the beach hut are not be wholly reliant on private cars to access everyday services and facilities. The site is also located adjacent a public car park

so the absence of any on-site parking is not considered to cause any highways parking or safety issues. The use of the beach hut as storage for children's leisure beach activities is not considered to result in a significant increase in traffic generation that would warrant objections on transport grounds and the residual cumulative impacts of development are not considered to be severe.

e) Air Quality and Emissions

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 and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

f) Constraints

No ground works are proposed as part of this development and as such there would not be an impact on the Archaeological Notification Area.

Flood Zone 3: No ground works are proposed as part of this development and the new use would be for storage in connection with beach leisure activities which has the same flood risk vulnerability classification (Water-compatible development) as the previous use as a lifeguard hut, therefore, no objections are raised regarding flood risk.

There are no external extensions to the property that would affect the setting of the nearby conservation area.

g) Environmental Impact Assessment

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

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

h) Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* – aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and the emerging Area Action Plan and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

7. Conclusion

The re-use of a beach hut would enhance the vitality and viability of the seafront location in accordance with policy and the change of use would not result in any highways safety issues or harm the residential amenities. The proposal is therefore considered to be in accordance with the relevant policies of the Local Plan as set out above.

These proposals do not therefore comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

8. Recommendation

Grant Full Planning Permission subject to the following condition:

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

BT/P2/2/4, BT/P2/2/2, BT/P2/2/3

Reason:

1. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
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Officer to Contact

Mr A Jolly, Telephone 01424 783250

Background Papers

Application No: HS/FA/18/00735 including all letters and documents