

Report to: PLANNING COMMITTEE

Date of Meeting: 06 February 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: **The Bathing Hut Cafe, Seaside Road,(Western Platform, former Bathing Pool site), St Leonards-on-sea, TN38 0AL**

Proposal: **Continued placement of a non permanent catering trailer to serve hot and cold food to the area along side the former bathing pool site in West St. Leonards.**

Application No: **HS/FA/18/00882**

Recommendation: **Grant Full Planning Permission**

Ward: WEST ST LEONARDS 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Groves 25 St Helen's Road Upper maisonette Hastings TN34 2LQ

Public Consultation

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|----------------------------------|-----|
| Site Notice: | Yes |
| Press Advertisement: | No |
| 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 -

1. Site and Surrounding Area

The site currently consists of a vacant concrete platform on the seafront at Grosvenor Gardens. The platform is accessed by the public footpath/cycle path that spans the seafront. Close to the site is a car park that provides parking for the residents of Seaside Road and those accessing the nearby beach huts. The residential properties of Seaside Road have a clear view of the existing platform, although there is a distance of approximately 70 metres between the two. A catering unit was previously on site, before it's temporary permission expired.

Constraints

- Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ)
- Area affected by groundwater flooding
- Flood Zone 2 Environment Agency
- Flood Zone 3 Environment Agency
- Climate Change Outline Tidal 200 Years
- High Pressure Pipeline 2km Buffer SGN
- Land owned, Leased, Licensed or held by Tenancy at will by HBC

2. Proposed development

The application is for continued placement of a non permanent catering trailer to serve hot and cold food. Temporary permission was last granted in June 2017, which expired in October 2018. The catering unit was removed from site at this stage, awaiting the renewal of planning permission.

The catering trailer will continue to be located on the western platform of the former bathing pool site, and is surrounded by a painted timber surround which provides an area for storage and refuse. The remainder of the existing platform is used as an outside seating area.

Relevant Planning History

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|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application No. | HS/FA/17/00235 |
| Description | The placement of a non permanent catering trailer to serve hot and cold food to the area along side the former bathing pool site in West St. Leonards. |
| Decision | Permission with conditions on 26/06/17 (expires 31 October 2018) |
| Application No. | HS/FA/15/00308 |
| Description | Placement of a stationary (non-permanent) catering trailer |
| Decision | Permission with conditions on 16/06/15 |

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

Policy FA6 - Strategic Policy for The Seafront

Policy FB3 – Seaside Road, West St Leonards

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

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy LP2 - Overall approach to Site Allocations

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

Estates – **No objection**

Environmental Health - **No objection**

Tourism Officer - **No objection**

Environment Agency - **No objection**

Foreshore Trust - **No objection received**

4. Representations

In respect of this application a site notice was displayed. No responses were received.

5. Determining Issues

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) Impact on the character and appearance of the area

The site is part of a larger allocation for mixed use development in the Hastings Development Management Plan under policy FB3 - Seaside Road, West St Leonards. This policy provides for both residential and commercial uses, and supports the provision of a public realm and promenade that is attractive and inviting to residents and tourists. The supporting text for the policy details that a small scale kiosk, cafeteria or public house/restaurant would be appropriate for the area.

Policy DM1 of the Hastings Development Management Plan requires that all proposals must reach a good standard of design, which includes efficient use of resources, and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The continued use of this site for a temporary period would contribute to the surrounding area by attracting persons to this section of the promenade, in advance of the wider development coming forward. It will also continue to provide a service to those using the adjoining beach huts. The building is to be enclosed by picket style fencing, with posts painted a different shade of blue. This design feature draws from the beach huts in close proximity to the site and is considered to create a 'seaside' feel in keeping with its location. Taking this in to account it is considered that the proposal would have a positive impact on the character of the area and as such meets the aims of both Policy DM1 and FB3 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes.

As stated above this permission seeks to continue the use of the catering unit on the former bathing pool site. The provision of a cafe increases the number of persons visiting the western end of the promenade and as such increases the general footfall. The site is boarded by residential properties to the north and east, although these properties are approximately 70 metres away. As a result, it is not considered that there would be a detrimental impact on the amenities of the residents. Policy DM3 of the Development Management Plan is therefore complied with.

d) Pollution and hazards

Policy DM6 of the Hastings Development Management Plan relates specifically to the protection of human health and water from external lighting, airborne pollutants, noise and odour. It also requires that appropriate pollution control measures are incorporated in to a scheme where necessary. The proposed catering trailer is fitted with an extraction system which is designed to disperse the pollutants safely and as such there would be no impact in terms of fumes or odours from the site.

With regards to the external lighting, it is considered that, due to the proposed opening hours being no later than 5pm, there would not be an unacceptable impact on the amenities of the neighbouring properties or the surrounding area from light pollution at anti social hours. Policy DM6 is therefore complied with in terms of fumes, odours and light pollution.

d) Site Constraints

- Groundwater flooding: The catering unit is located on an existing area of hard surface and as such would not have a further impact in terms of groundwater flooding.
- SSSI IRZ: The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.
- Flood Zones 2 & 3: Due to the proximity of the site to the shoreline there is the potential for tidal overtopping during storm/surge conditions. However, there is no recent record of this area being overtopped. Having also reviewed the Environment Agencies' standing advice it is apparent that, due to the temporary nature of the proposal, it would be considered as a 'low vulnerability' site and as such a detailed flood risk assessment is not necessary.

6. Conclusion

The proposal is not considered to have a detrimental impact on the character and amenity of the area, or on residential amenity. It therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. This permission is granted for a limited period until the 30 November 2020. On or before the expiration date of this permission the catering trailer and any associated building or structure hereby permitted shall be removed and the use hereby permitted shall be discontinued. The site shall be restored to the condition in which it was before the approved building was erected and such use was commenced, and left in a clean and tidy condition.

2. The premises shall not be used except between the following hours:-

11:00 - 16:00 - Monday - Friday,
09:00 - 17:00 - Saturdays,
10:00 - 16:00 - Sundays or Bank Holidays.

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

SD/465/02c

Reasons:

1. This time limited condition is imposed to allow for the use to establish on site and for the later assessment of the suitability and sustainability of the use in this locality.
2. To safeguard the amenity of adjoining and future residents.
3. 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.
3. The Food Safety Act 1990 and the Health and Safety at Work Etc. Act 1974 will apply.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/18/00882 including all letters and documents