

Report to: PLANNING COMMITTEE

Date of Meeting: 03 April 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: 85-86 Castleham Road, St Leonards-on-sea,
TN38 9NT

Proposal: Discharge of condition 5 (Foul sewerage and
surface water disposal) for planning
permission HS/FA/18/00777

Application No: HS/CD/19/00223

Recommendation: Approve

Ward: HOLLINGTON 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council

Public Consultation

Site Notice: No
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 -
Council application on Council owned land

1. Background information

Planning permission was granted by Planning Committee on 12 December 2018 for the change of use of 85-86 Castleham Road from the Council archive and storage site, into the Councils Direct Service Organisation (DSO) Street Cleansing operational depot. An application to discharge conditions relating to noise, lighting, acoustics, jet washing facilities and ventilation was then approved by Planning Committee on 6 March 2019.

This application seeks to discharge the remaining condition of planning permission HS/FA/18/00777, in relation to drainage. Should this be approved, there will be no other conditions that will need to be discharged in order for the planning permission to be fully implemented.

2. Site and Surrounding Area

The application site comprises an existing end of terrace industrial unit located in a short terrace of industrial buildings with vehicle access off Castleham Road. The application building is currently used to store the Council's pest control officer's equipment and materials and was last used as the Council's archive storage. The unit comprises a single-storey flat roof brick building at the front of the site containing two small office spaces, kitchen and toilet. Behind this is the industrial shed finished in blue corrugated cladding with a large roller shutter door opening out onto a forecourt parking area to the side of the single storey office block. To the side/east of the unit is an enclosed/gated parking area with space for approximately 9 cars.

The other industrial units in the immediate terrace are being used for a number of uses including a car garage/MOT centre, car parts distribution unit, a sporting goods storage and distribution unit, a loadcell manufacturer (use classes sui generis B2 & B8).

The site is located within the wider Castleham Industrial Estate which contains a number of industrial, storage and office units. The Castleham Industrial Estate extends to the north (beyond a tree belt), south and west of the site. To the east of the site beyond a narrow tree belt, public footpath and area of green space, are residential properties in Augustus Way, Carinus Gardens and Marcus Gardens. Approximately 18m of open space, footpaths and tree cover, separates the far north eastern corner of the application site to the rear boundary of the closest property (3 Carinus Gardens).

The application site itself is located on a spur road off Castleham Road, and does not front out onto the main highway.

Constraints

A very small portion of the site is affected by surface water flooding. There are no other relevant site constraints.

3. Proposed Development

This application seeks to discharge Condition 5 of planning permission HS/FA/18/00777:

Condition 5 (drainage)

(i) The authorised use shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority. This shall include drainage details to show attenuation methods and necessary infrastructure to restrict water flow to existing levels, prior to discharge into the public system. The details should also include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

(ii) Development shall then be carried out in accordance with the details approved under (i) and the use hereby approved shall not commence until those works have been completed.

and

(iii) The use hereby approved shall not commence until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

The application is supported by the following documents:

- Drainage as existing BG/A3/9/2/5
- Drainage as proposed BG/A3/9/2/6 C

Relevant Planning History

HS/CD/19/00103 Discharge of conditions 10 (Noise Report), 11 (Lighting Scheme), 12 (Acoustic specifications), 13 (Jet washing details) and 14 (Ventilation details) for planning permission HS/FA/18/00777
GRANTED 6 March 2019

HS/FA/18/00777 Change of use from the council archive (B1) and storage site (B8) to the councils Direct Service Organisation (DSO) Street Cleansing operational depot (B2)
GRANTED 12 December 2018

HS/FA/09/00299 Change of use from B2, General Industrial, to both B1, Business (front area) and B8, storage and distribution (rear). To be used for council offices and council archive storage. New mesh fencing to site perimeter
GRANTED 22 July 2009

HS/FA/08/00274 Amalgamation of units 85 & 86 including a) The continuation of a boundary fence around the adjacent access/car park hard standing area, b) The addition of roller shutters to the glazed rear window exterior, to provide security from vandalism/theft
GRANTED 16 June 2008

HS/FA/78/00156 Erection of block comprising eight units factories and provision of 56 parking spaces
GRANTED 12 April 1978

National and Local Policies

Hastings Local Plan - Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

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

Policy E1 - Existing Employment Land and Premises

Policy SC7 - Flood Risk

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 DM6 - Pollution and Hazards

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

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.

Paragraph 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 85 of the NPPF states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (inter alia) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

Paragraph 92 (Promoting healthy and safe communities) of the NPPF 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 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

4. Consultation comments

East Sussex County Council (SUDs) - **no objection**

Do not object to the discharge of condition 5 of planning permission HS/FA/18/00777

Southern Water - **no objection**

Have undertaken a capacity check and do not object to the drainage scheme proposed. No objection to the discharge of condition.

5. Representations

In accordance with the provisions of the Town and Country Planning (Development Management) (Procedure) (England) Order 2015 (as amended), the Council is not required to consult with the public on discharge of condition applications.

6. Determining Issues

a) Principle

Planning permission has already been granted for the change of use of the site, and as such, the principle of development is established. The submitted details will now be assessed to determine their suitability, as to whether the condition 5 of planning permission HS/FA/18/00777 can now be discharged.

b) Condition 5 (drainage)

This condition states:

“(j) The authorised use shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority. This shall include drainage details to show attenuation methods and necessary infrastructure to restrict water flow to existing levels, prior to discharge into the public system. The details should also include information on how

surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

(ii) Development shall then be carried out in accordance with the details approved under (i) and the use hereby approved shall not commence until those works have been completed.

and

(iii) The use hereby approved shall not commence until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development"

The applicant has submitted a proposed drainage scheme, which confirms the use of a new 110mm diameter vitreous clay ware pipe to the existing foul drain inspection chamber, together with a new trapped yard gulley to enable the drainage of any detergent used into a system where it will be treated (via the foul sewerage system). This will result in less drainage into the existing surface water sewer, but slightly more into the foul system. Evidence showing Southern Water's agreement to this has been included within the application, and they have no objection to the discharge of the condition. East Sussex County Council (SUDs) have also confirmed their acceptance of the scheme and raise no objection to the discharge of condition 5.

c) Other outstanding conditions:

There are no outstanding conditions in relation to planning permission HS/FA/18/00777 that need to be discharged.

7. Conclusion

The details submitted are considered to effectively demonstrate there will be adequate works undertaken, resulting in sufficient capacity in the drainage system to accommodate both foul and surface water arising from the development. The proposals 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".

Condition 5 of planning permission HS/FA/18/00777 can therefore be discharged.

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

8. Recommendation

Approve the discharge of Condition 5 of planning permission HS/FA/18/00777

Officer to Contact

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Background Papers

Application No: HS/CD/19/00223 including all letters and documents