

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 July 2019  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Discovery Playground, Old Town Hall, High Street, Hastings, TN34 3EW**  
**Proposal:** **Installation of a new ' multi split system' comprising of 2 no internal wall mounted air conditioning units to ground and first floors, 4 no external condensers to the roof and associated pipe work and pumps (amended description)**  
**Application No:** **HS/FA/19/00097**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** OLD HASTINGS 2018  
**Conservation Area:** Yes - Old Town  
**Listed Building:** No

**Applicant:** Hastings Borough Council per Baker Architectural Ltd 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Affects a Listed Building Amended Plans  
**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. Site and surrounding area**

The site is a prominent two storey building which was built in 1823 and abuts the High Street. The building is Grade II listed, first listed on the 19th January 1951. The building was formerly the Town Hall and was used as a museum for many years, from 1949 until 2014.

Most recently, the building has been used as an indoor children's playground - the Discovery Playground, although this use has recently ceased and the building is vacant.

The building is within the Old Town Conservation Area. The front of the building features a ground floor arcade of five large round arches with windows and the main door with five tall traditional sliding sash windows to the first floor. To the top and middle of the building there is a rectangular panel with the coat of arms of the town and the date.

The surrounding area is predominantly made up of buildings with retail use at ground floor and residential to the floors above. The building is located within an Archaeological Notification Area, the Old Town District Shopping Centre and is also listed as an Asset of Community Value. To the rear of the building is St Clements Church which is Grade II\* listed and stands at a higher elevation than the site.

### Listing

Former Town Hall. Dated 1823. Stuccoed. 2 storeys. Ground floor arcade of 5 round arches with keyblocks and impost, glazed. Above wide band at 1st floor level. 1st floor 5 tall sashes with glazing bars and cills, above band end parapet ramped up at ends and rising at centre to hold rectangular panel with coat of arms of town and date. Slate hipped roof, at one end square wooden bell turret, domed, with ball finial.

### Constraints

Grade II Listed Building  
Conservation Area - Old Town  
SSSI Impact Risk Zone  
Hastings Borough Council Owned Land  
Archaeological Notification Area  
Asset of Community Value Listed

## **2. Proposed development**

It is proposed to install 2 x PACi wall mounted systems internally to the ground and first floors (resulting in 4 in total), together with 4 x PACi elite inverter single phase external condensers behind the parapet wall on the roof. Combined, these units provide a 'Multi Split System' to improve the energy rating of the property and control the internal environment in terms of heating and cooling. Associated works will include the relevant pipe works and pumps, which will exit the roof through existing vent locations.

The external condensers measure 619mm x 799mm x 299mm, with the internal wall mounted systems measuring 300mm x 1065mm x 230mm. These external condensers will fit in behind the existing parapet wall, and therefore, will not be visible from the streetscene. The internal wall mounted systems will be sited at a high level to minimise the amount of required pipe work, which will be sited in existing cupboards where possible.

The application is supported by the following documents:

- Design Heritage Justification Statement (Issue 002)
- Specification sheets
- Annotated photos of location of roof vent tiles, position of internal units, cupboards locating the proposed pipe work.

## **Relevant planning history**

- HS/LB/18/00928 Installation of new multi-split system' comprising 2 no internal wall mounted air conditioning units to ground & first floors and 4 no external condensers to the roof, and associated pipe work and pumps  
Awaiting determination
- HS/LB/18/00583 Replacement of lead guttering and parapet coping with new zinc gutters and parapet copings  
Granted 06/02/2018
- HS/LB/17/00845 Install CCTV camera on rear external wall, facing the churchyard, and 2 motion activated solar lights.  
Granted 11/01/2018
- HS/FA/16/00651 Change of use from D1 (museum) to D2 (indoor children's playground). Proposed mainly free standing fixtures, and redecoration throughout, including glazed balustrade. Toilet on first floor to be re fitted. Repaint external door using heritage colour. Windows will have stick on window frosting with business logo. (application HS/LB/16/00711 also applies).  
Granted 23/12/16
- HS/LB/16/00711 Change of use from D1 (museum) to D2 (indoor children's playground). Proposed mainly free standing fixtures, and redecoration throughout, including glazed balustrade. Toilet on first floor to be re fitted. Repaint external door using heritage colour. Windows will have stick on window frosting with business logo (application HS/FA/16/00651 also applies).  
Granted 23/12/16

## **National and local policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy EN1 - Built and Historic Environment

### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM6 - Pollution and Hazards

### 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**

Hastings Borough Council (Conservation) - **No objection**

Following the receipt of additional detail, the conservation officer does not consider the works to cause harm to the significance or setting of this heritage asset, and there will be no loss to the building's fabric.

Hastings Borough Council (Environmental Health) - **no objection**

No objection raised

### **4. Representations**

No letters of representation were received following the display of a site notice at the site.

### **5. Determining issues**

The main issues to consider with regard to this application are the impact of the external condenser units on the character and appearance of the conservation area, as well as any

impacts on the significance of the listed building. In addition, it is also important to consider the audible impact of the condenser units, and whether there will be any impact on neighbouring residential amenity.

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 character and appearance of the conservation area

The Old Town Hall is a Grade II listed building. The property is Georgian, dating to 1823. This is a key building along High Street, making an important contribution to views in this part of the Old Town Conservation Area. The building is also visible from the north side, along Church Passage, and from St. Clements churchyard.

The proposed air heating and cooling system will involve changes to the interior of the listed building, although these are not relevant in the consideration of this application. The remainder of the system, is to be fitted externally, and will involve 4 condenser units to be sited on the rear roof of the listed building, tucked in behind an area of raised parapet.

The rear roof of the building is visible from both Church Passage, to the north of the Old Town Hall, and from the eastern most area of St. Clements churchyard. Despite this, it is not considered that the new external equipment will be a prominent feature, as the condenser units will mostly be hidden behind the central raised parapet on the rear roof. Also, there will be new pipe work within the roof void connecting the internal air conditioning units to the external condenser units. The pipe work will exit the roof through existing roof vent locations, with no loss of fabric. Overall therefore, it is considered that the external works are acceptable and will not have any adverse impact on the character or appearance of the surrounding Old Town Conservation Area. The development therefore complies with the requirements of the NPPF, in respect of the need to conserve heritage assets, together with the requirements of adopted Local Plan policies EN1 and HN1.

c) Impact on neighbouring residential amenities

Whilst the location of the premises is in a predominantly commercial location, there are also residential premises nearby. Therefore, it is important to assess the noise levels arising from the proposed condensers. The applicant has confirmed that the sound pressure is low at 1m, and the noise emitting will be similar to a conversation at home. Given the site's location adjacent to a public house and in close proximity adjacent to other commercial units (as well as residential), it is not considered that the proposed units will cause harm to amenity, in the context of its surroundings. Environmental Health have no objection to the proposal, and following the submission of a detailed specification, do not recommend a full noise report be submitted.

The application is therefore considered to be acceptable in terms of noise, and in accordance with the requirements of Policy DM6 of the Development Management Plan 2015.

#### d) 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.

#### e) Site constraints

The proposed works will take place internally, and on top of the existing building. Therefore, there will be no impact in terms of the identified site constraints.

### 6. Conclusion

The proposed multi-split system is not considered to cause harm to the character and appearance of the conservation area, or affect the significance of the relevant heritage assets. Noise levels will be kept to a minimum, in accordance with adopted Local Plan policy. The proposal 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
BA1857-01, 02, 03B, 04A, 05A, 06, 07A, 08  
Specification sheet S-5OPK1E5A, U-5OPE2E5A
3. The new external condensers shall be fixed onto the render parapet gutter walls and shall not be fixed in place by taking a fixing through the metal sheet lining of the parapet gutters below. This is to prevent damage to the gutter linings and resulting water damage to the fabric of the building

4. No visible wiring or ducting shall be installed across the elevations or roof slopes in connection with this development.
5. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the architectural and historic character of this Grade Listed Building is adequately protected.
4. To ensure the architectural and historic character of this Grade Listed Building is adequately protected.
5. To safeguard the amenity of nearby residents

**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**

Mrs S Wood, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/19/00097 including all letters and documents