

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 10 July 2019

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Store 1, Bottle Alley, St Leonards-on-sea**

**Proposal:** **Discharge of condition 7 (windows) of planning permission HS/FA/18/00535 - Change of use from B8 (Storage) to D1 (Gallery/Studio) and alterations to front elevation (amended description).**

**Application No:** **HS/CD/19/00299**

**Recommendation:** **Approve**

Ward: CENTRAL ST LEONARDS 2018  
Conservation Area: Yes - Warrior Square  
Listed Building: No

Applicant: Estates, 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 Note

The original full application was originally considered at Planning Committee on the 12.09.18 where it was resolved to defer the application to allow for amended plans to be submitted for changes to the front elevation. The application was subsequently granted on 12th December 2018 with various conditions including condition 7 which this application relates to.

## **2. Site and Surrounding Area**

The site comprises Store 1, Bottle Alley, Eversfield Place situated on the Sea-front Lower Promenade, close to Warrior Square. The Lower Promenade provides a covered 'alley' walkway along the top of the shore between Warrior Square and the Pier. There are some historic store-rooms situated under the main promenade that are accessed from the lower promenade. Store 1 (that is the subject of this application) is currently a vacant store unit. The immediate neighbouring store is an electricity plant store.

Store 1 has a small internal floor area of approximately 24sqm. Access is via a single front access door from the Lower promenade 'alley' walkway. The unit has two single shuttered front window openings with sliding aluminium windows fitted. The application store unit is the end unit situated closest to the pedestrian ramp that leads up from the Lower Promenade to Warrior Square street level.

Eversfield Place at street level towards the corner with Warrior Square has restaurants and shops; beyond the shops as far as the Pier is mainly residential. Warrior Square lies close to London Road which is a main retail centre street.

### Constraints

Warrior Square Conservation Area  
Archaeological Notification Area

## **3. Proposed development**

Discharge of condition 7 (windows) of planning permission HS/FA/18/00535

The application is supported by the following documents:  
Photographs

### **Relevant Planning History**

HS/FA/18/00535 Change of use from B8 (Storage) to D1 (Gallery/Studio. And alterations to front elevation (amended description). Granted

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)a

Policy FA2 - Strategic Policy for Central Area  
Policy FA4 - Strategy for Central St Leonards  
Policy FA6 - Strategic Policy for The Seafront  
Policy EN1 – Built and Historic Environment

#### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

## 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.

Paragraph 148: The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 155: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 159: If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

#### **4. Consultations comments**

Not required

#### **5. Representations**

No representations received

#### **6. Determining Issues**

The main issue enabling the discharge of condition 7 is the final finish of the window on store 1 and whether that condition has been satisfied.

##### a) Impact on Character and appearance of Conservation Area

Policy EN1 of Hastings Planning Strategy and Policy HN1 of Hastings Development Management Plan set policy protecting the significance and setting of heritage assets including conservation areas and seek development that sustains and enhances the heritage asset. In this case the site is situated within the Warrior Square Conservation Area. The conservation officer has been consulted and comments that the Lower Promenade is an undesignated local heritage asset; the Lower Promenade is part of the Seafront historic resort development dating from circa 1930's.

Planning Permission HS/FA/18/00535 had a planning condition that the windows be painted dark grey or black to match the shutters, using a suitable Marine Paint to protect against the sea salt elements, and also that the internal reveal and finish is made good.

Following review of the details provided it is considered that the works carried out are acceptable, satisfy policy EN1 of the Hastings Local Plan and Policy HN1 of the Hastings Development Management Plan (2015) , and the condition can be discharged.

#### **7. Conclusion**

For the reasons set out above the condition is considered to have been satisfied attracting a recommendation of the condition being successfully discharged.

These proposals 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**

### **Approve**

#### **Note to the Applicant**

1. 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 Simon Richard, Telephone 01424 783320

### **Background Papers**

Application No: HS/CD/19/00299 including all letters and documents