

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 19 December 2019  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Shop and Premises LHS, Lacuna Place,  
Havelock Road, Hastings, TN34 1BP**

**Proposal:** **Removal of hoarding to be replaced with full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to front, 1 x glazed bi-parting door to side and creation of new access door to rear elevation**

**Application No:** **HS/FA/19/00664**

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

**Ward:** CASTLE 2018  
**Conservation Area:** Yes - Hastings Town Centre  
**Listed Building:** No

**Applicant:** Hastings Borough Council per SHW 69 Park Lane  
Croydon Surrey, Croydon. CR01BY

**Public Consultation**

**Site notice:** Yes  
**Press advertisement:** Yes - Conservation Area  
**People objecting:** 0  
**Petitions of objection received:** 0  
**People in 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**

This application refers to a ground floor unit, which is approximately 292 metres squared, set within a commercial building whereby the upper floors are used as office space. The unit is located on the West side of Havelock Road but is also accessible from Priory Street. The West side of Havelock road is predominately commercial and office space, with some residential dwellings above towards the southern end of the road. Opposite the application site are 4 storey buildings used as commercial/offices, residential and the now vacant University of Brighton building.

The building itself is of a modern design, however at present there is no shop frontage to the ground floor unit, with the frontage of the unit currently being covered by hoarding. This hoarding is currently in poor condition and has been subject to graffiti which has a negative impact on the street scene, and the character and appearance of the Conservation Area.

The application site lies within the Academic Cultural Quarter as defined by the Hastings Development Management Plan 2015, as well as the Hastings Town Centre Conservation Area.

### Constraints

Archaeological notification area  
 Academic Cultural Quarter  
 Conservation Area - Hastings town centre  
 Risk of surface water flooding  
 Risk of ground water flooding

## **2. Proposed development**

This application is seeking planning permission to remove the current hoarding and erect full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to the front (Havelock Road), 1 x glazed bi-parting door to the side and creation of new access door to the rear elevation.

The application is supported by the following documents:

- Planning Statement
- Heritage Statement

### **Relevant planning history**

HS/FA/19/00814	The proposal is for the change of use to the vacant ground floor unit of Lacuna Place to a flexible A1, A2, A3, A5, B1, D1, and D2 use. Awaiting determination.
HS/FA/06/00307	The demolition of 11, 12 and 13-15 Havelock Road and the redevelopment of these and the adjoining vacant sites to provide two buildings: both designated for business use (class B1); with the ground floor to Priory Street designated as retail and or business (class A1/A2/A3 &/or B1) and the ground floor to Havelock Road designated as retail (class A1/A2 &/or A3); and with basement car parking. (Revision to scheme approved under reference HS/FA/05/00664) GRANTED 21 June 2006
HS/FA/05/00664	Redevelopment of 11, 12 and 13-15 Havelock Road and the adjoining vacant sites to provide two buildings; one designated for business use (Class B1); one designated for educational use (Class D1) with retail at ground floor (Class A1/A2 and/or A3); and with basement car parking. (Application HS/CA/05/00663 for the demolition of 11, 12 and 13-15 Havelock Road also applies) GRANTED 1 February 2006

## **National and local policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

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 HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

### Other policies/guidance

National Design Guide

Supplementary Planning Document - Shopfronts and Advertisements

### National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF 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 193 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.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

Paragraph 195 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 202 states: "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

### **3. Consultation comments**

With regards to this application the following consultations were undertaken:

#### **Hastings Borough Council Conservation Officer – No objection subject to conditions**

The shop front is situated to the ground floor of a relatively modern building. The building design is, though, reflective of the vertical emphasis and bay form of the Victorian terraces that it replaced, which helps it to assimilate into the street scene. As this is a modern building, I have no objection to the proposal to install a simple, slim section, aluminium framed, largely glazed shop front, as I consider this to be in keeping with the style of the host building. Also, the existing shop hoarding detracts from the character of the street scene, being in poor condition and attracting graffiti. The hoarding also gives the site a dead frontage. Opening up the new shop front to view will enliven the street scene and remove the eyesore of the existing hoardings. I can confirm that I have no objection to the proposed new shop front. I consider that it is in keeping with the character of the modern host building. It will also be an appropriate addition to this part of the Conservation Area, as it is of an appropriate quality of design, and suitable materials, for the site. The development will not harm the significance of the Town Centre Conservation Area. It therefore complies with the requirements of the NPPF in respect of the need to conserve heritage assets, and it also meets adopted local plan Policies EN1, HN1 and HN2. The development is also acceptable under the adopted SPD: Shopfronts and Advertisements.

#### *Suggested condition*

Prior to the commencement of development, samples of the proposed materials shall be submitted to the Local Planning Authority for approval. The samples submitted shall clearly show the proposed materials, colours and finishes of the shop front frame, glazing (if this is not clear, uncoloured glass), stall riser (if this is new) and window heads. These samples shall be accompanied by full written details of the relevant materials, finishes and colours. Thereafter, all development shall be carried out in accordance with the approved material samples.

#### *Reason*

To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

### **4. Representations**

In respect of this application site notices were displayed outside the property on Havelock Road and Priory Street, and an advert placed in the local paper. No responses were received.

### **5. Determining issues**

The main issues to consider are the impact on character and appearance of the Conservation Area and the impact on neighbouring residential amenities.

#### 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

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

Policy EN1 of the Hastings Local Plan – Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (b) Conservation Areas. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it. As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas, in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

The Hastings Borough Council Conservation Officer was consulted on this application and raises no objections subject to conditions. The applicant must submit samples and full written details of proposed materials, which clearly show the type of materials, colours and finishes of the shop front frame, stall riser and window head to be used, prior to commencement of any development and these must be approved by the Council. In addition, the proposal does not include any form of advertising, as such any new advertisements would be the subject of a separate application, if advertisement consent is required.

The proposed works, subject to subsequent discharge of conditions, are therefore considered acceptable in this respect and are in agreement with Policy DM1 and HN1 of the Hastings Local Plan - Development Management Plan (2015), and Policy EN1 of the Hastings Local Plan – Planning Strategy (2014).

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, 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. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties

Only the front elevation, facing onto Havelock Road, presents any view onto neighbouring residential properties, with the side elevation presenting only a view within the enclosed passage leading from Havelock Road to Priory Street, with the rear elevation presenting views on to Priory Street where there are no residential properties. It is considered that this frontage, facing Havelock Road, faces the public realm and as such any views which may be possible from within the proposed is also present from the public realm.

It is therefore not considered the proposed, by means of its scale, siting and frontage orientation, will have any negative impact on the neighbouring properties in terms of overshadowing, loss of daylight, privacy or outlook.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Constraints - Ground and surface water flooding

Given that the proposed will not see an increase of hardstanding, the impact in terms of ground or surface water flooding is considered to be negligible. No further action is therefore required in this respect.

e) Constraints - Archaeological notification area

Given that the proposed does not include any excavation or ground works, the impact with regards to the Archaeological notification area is considered to be immaterial. No further action is therefore required in this respect.

## **6. Conclusion**

The proposed is considered appropriate for this location and would not cause harm to the character or appearance of the Conservation Area, subject to the discharge of condition, and would not harm residential amenities.

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.

## **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:  
  
101, 102, 103, 201, 202, 203, 301, & 302
3. 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.
4. Prior to the commencement of development, samples of the proposed materials shall be submitted to the Local Planning Authority for approval. The samples submitted shall clearly show the proposed materials, colours and finishes of the shop front frame, glazing (if this is not clear, uncoloured glass), stall riser (if this is new) and window heads. These samples shall be accompanied by full written details of the relevant materials, finishes and colours. Thereafter, all development shall be carried out in accordance with the approved material samples.

### **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 safeguard the amenity of adjoining residents.
4. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

### **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 G Fownes, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/19/00664 including all letters and documents