

Report to: PLANNING COMMITTEE
Date of Meeting: 04 March 2020
Report from: Assistant Director of Housing and Built Environment

Application address: **Hastings Museum and Art Gallery, Bohemia Road, Hastings, TN34 1ET**

Proposal: **To install three new sections of high-security fencing and gates at the north, south and east boundaries of the site to permit emergency access and maintenance (amended description).**

Application No: **HS/FA/19/00926**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018

Conservation Area: No

Listed Building: No

Applicant: Hastings Borough Council Muriel Matters House, Breeds Place, Hastings, TN34 3UY

Public Consultation

Site notice: Yes

Press advertisement: No

People objecting: 1

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 the grounds of Hastings Museum and Art Gallery, a two storey detached building located on Johns Place accessed from Bohemia Road. There are a number of residential dwellings located to the East of the application site, Bohemia Road located to the South, Summerfields Leisure centre located to the North West and Summerfields woods located to the North.

Constraints

Archaeological Notification Area

Risk of surface water flooding

Land Owned Leased Licensed or held by Tenancy at Will by HBC

Low pressure pipeline (SGN)

2. Proposed development

This application is seeking planning permission to install new high-security fencing and gates at the North, South and East boundaries of the premises. The new fencing and gates allow access, including emergency access, and will allow the continued maintenance of the premises.

The North side elevation fence and gate will be 3.00 metres in height, the South side elevation fence and gate will 2.10 metres in height, and the East rear elevation fence and gate will be 2.40 metres in height. It is noted the East rear elevation fence and gate will not extend behind the rear elevation of the double garage immediately adjacent to the eastern boundary of the site.

Supporting documents

The application is supported by the following documents:

- Design and access statement
- Site waste management plan

Relevant planning history

| | |
|----------------|--|
| HS/FA/16/00883 | Installation of a pivoting gate across the entrance to St John's Place Granted 21/12/16 |
| HS/FA/05/00596 | Extension to provide disabled access, new display and service area Granted 16/09/05 |
| HS/FA/03/00986 | Extension to provide disabled access, new display and service areas Granted 05/03/04 |
| HS/OA/98/00092 | Erection of two storey extension to include lift, storage, galleries, lecture room and offices Granted 09/04/98 |
| HS/FA/95/00013 | Provision of disabled ramped access to side of building and railing to front Granted 09/03/95 |
| HS/FA/87/00534 | Construction of a fire escape stairs from durbar hall Granted 03/08/87 |
| HS/FA/87/00203 | Erection of single storey extension for use as store Granted 25/05/87 |
| 73/01288 | Erection of new toilets and office Granted 27/10/73 |

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central 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 HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Other policies/guidance

National Design Guide

Paragraph 3 of the National Design Guide states, The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools (Section 12 and paragraph 124 of the NPPF)

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

Consultations with statutory consultees was not necessary, due to the minor nature of this proposal.

4. Representations

In respect of this application site notices were displayed at the entrance to the Museum and the passage between Johns Place and Ellis Close. 1 response was received from 1 property objecting to the application and raising the following concerns:

- Potential harmful impact on amenity of neighbouring property, arising from 3.00 metre height of fence
- Impact on access to rear of garages for maintenance

5. Determining issues

The main issues to consider are the impact on the character and appearance of the 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 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 (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.

The proposed is not considered to positively enhance the character or appearance of the area, however, the highest of the fencing/gates, at 3.0 metres, is located to the side (North) of the building and is not highly visible from the public realm. The 2.4 metre high fence/gate to the rear (East) is located behind an existing single storey extension to the museum and a boundary wall, which provides screening from Johns Place, and as viewed from Ellis Close, the 2.4 metre high fence/gate will be behind an enclosed garden area and screened by a double garage and vegetation, limiting any views. Finally the most visible part of the proposed, to the South, will be 2.1 metres in height and this will be visible from Johns Place. Whilst not the best possible solution for screening, in design terms, there is no significant harm to the character or appearance of the area, and the benefits arising, in terms of increasing security, outweigh any harm.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

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.

As stated in the 'Design and Access statement', the new fencing will not affect the existing public access routes around the museum, and the proposed is considered sufficiently distanced from any neighbouring residential dwellings to have not have any impact, with the exception of No 12 Ellis Close, which is located to the West of the application site. The North side elevation fence is to measure a total of 3.00 metres in height, however, this will be no higher than the closed boarded timber fence which currently serves as boundary treatment to No 12, and as such it is not considered to have a negative impact. The other fencing and gates are not adjacent to any residential properties. Therefore it is not considered the proposed, by means of its scale and siting 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 – Risk of surface water flooding

Whilst the proposed works will require excavation or ground works, the extent of this is considered to be minimal as it is only to provide concrete footings for the fence posts, and as such the impact in terms of surface water flooding is considered to be minimal. No further action is therefore required in this respect.

e) Constraints - Archaeological notification area

Whilst the proposed works will require excavation or ground works, the extent of this is considered to be minimal as it is only to provide concrete footings for the fence posts and as such the impact with regards to the Archaeological notification area is considered to be minimal. No further action is therefore required in this respect.

6. Conclusion

The proposed works are considered appropriate for this location, and whilst not considered to positively enhance the character or appearance of the area, they do not cause an unacceptable level of harm. Residential amenities will remain unharmed.

The proposed works are considered appropriate for this location and would not cause harm to the character or appearance of the area 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:

BT/M2/4/1, BT/M2/4/2, BT/M2/4/3A, BT/M2/4/4A, BT/M2/4/5A and BT/M2/4/6
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. The materials to be used must be galvanised steel fence posts and gates with galvanised steel wire mesh panels. All posts, gates and mesh are to be polyester powder-coated, colour: green.

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 a satisfactory visual appearance in the interest of the amenities 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.

3. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is:

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

G5 8JD

Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

Officer to Contact

Mr G Fownes, Telephone 01424 783250

Background Papers

Application No: HS/FA/19/00926 including all letters and documents