

Report to: PLANNING COMMITTEE

Date of Meeting: 21 July 2021

Report from: Assistant Director of Housing and Built Environment

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

Proposal: **Installation of a further length of security fencing to the east boundary, to enclose the rear storage areas with the museum (including the removal of the existing fence panel and post in the area between the garage of the neighbour at No.12 Ellis Close and the existing security gate along the eastern boundary).**

Application No: **HS/FA/20/00907**

Recommendation: **Grant Full Planning Permission**

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

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

Public Consultation

Site notice:	No
Press advertisement:	No
Neighbour Letters:	Yes
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 accessed from Bohemia Road. There are a number of residential dwellings located to the east of the application site within Ellis Close. Bohemia Road comprising various commercial and residential units is located to the south, Summerfields Leisure centre 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 eastern boundary of the premises. The fencing is made up of galvanised steel posts and mesh panels, finished in a green colour. It will enclose the rear storage area with the main building, with the aim of improving the protection of the Museum buildings against intruders and theft. The proposal also includes the removal of the existing fence panel and post in the area between the garage of the neighbour at 12 Ellis Close and the existing security gate along the eastern boundary.

The proposed fence is to be located to the west of and adjacent to the existing brick retaining wall along the eastern boundary of the application site. A small section of new fence mesh is proposed to enclose between new and existing fence posts at the gate. The proposed fence would have a maximum height of 3m from the existing ground level and is to match existing fencing elsewhere on the Museum site.

Supporting documents

The application is supported by the following documents:

- Design and access statement

Relevant planning history

Application No.	73/01288
Description	Erection of new toilets and office
Decision	Permission with conditions on 27/10/73
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Application No.	HS/FA/87/00203
Description	ERECTION OF SINGLE STOREY EXTENSION FOR USE AS STORE
Decision	Permission with conditions on 25/05/87
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Application No.	HS/FA/87/00534
Description	CONSTRUCTION OF A FIRE ESCAPE STAIRS FROM DURBAR HALL
Decision	Permission with conditions on 03/08/87
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Application No.	HS/FA/95/00013
Description	PROVISION OF DISABLED RAMPED ACCESS TO SIDE OF BUILDING AND RAILING TO FRONT
Decision	Permission with conditions on 09/03/95
Application No.	HS/OA/98/00092
Description	ERECTION OF TWO STOREY EXTENSION TO INCLUDE LIFT, STORAGE, GALLERIES, LECTURE ROOM AND OFFICES
Decision	Outline Application with Conditions on 29/04/98
Application No.	HS/FA/03/00986
Description	EXTENSION TO PROVIDE DISABLED ACCESS, NEW DISPLAY AND SERVICE AREAS.
Decision	Permission with conditions on 05/03/04
Application No.	HS/FA/05/00596
Description	Extension to provide disabled access, new display and service area
Decision	Permission with conditions on 16/09/05
Application No.	HS/FA/16/00883
Description	Installation of a pivoting gate across the entrance to St John's Place
Decision	Permission with conditions on 21/12/16
Application No.	HS/FA/19/00926
Description	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).
Decision	Permission with conditions on 05/03/20

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 neighbour letters were sent out. 1 response was received from 1 property objecting to the application and raising the following concerns:

- Impact on access to rear of garages for maintenance
- Impact on the footings of their wall
- Fence needs to be set back 50cm from their wall so they can have reasonable access
- The height of the fence must be no higher than the top of their timber fence which is approximately 3 metres.
- There has already been damage to their wall by the museum. A steel gate is bolted to it as well electrical cables screwed into the wall without their permission and after many requests has not been removed.

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 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.

Whilst the proposed fencing is not considered to positively enhance the character or appearance of the area given its height, material and colour, only small sections of the fence will be visible above the existing panelling forming the boundary of 12 Ellis Close. The area is also quite densely vegetated, which helps to obscure visibility and minimise its impact on the character and appearance of the area. It is acknowledged that the security of the Museum is of significant importance, and on balance, it is considered that the harm caused by the fence in terms of its visual impact is outweighed by the public interest of securing the site. The fence is also obscured from view at the southern most part of the site, given the presence of an existing container, adjacent to the garage within the curtilage of 12 Ellis Close. From the western side, the fence would be partially screened by the existing shed and the existing 3m high security fence and gate system in front of the shed.

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 east of the application site. The proposed fence is located to the western side of the existing timber boarded fence of the neighbour at 12 Ellis Close and the retaining wall located along the rear boundary. Therefore it is not considered the proposal, 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).

Concerns have been raised by the neighbour at No. 12 Ellis Close in respect of the loss of access to the rear of the garage for maintenance purposes. Whilst this matter is a civil matter and not a material planning consideration, it should be noted that Hastings Museum have communicated with this neighbour and advised that they are able to provide access for any maintenance purposes. Furthermore, it should be noted that the neighbour at No. 12 Ellis Close would still maintain access to the rear of the garage from their property; there is a gap of some 0.73m between the fence and the garage wall and a distance of some 0.51m from the low level retaining wall to the rear garage wall.

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 benefits of providing the proposed security fencing, in terms of the public interest, are considered to outweigh the harm caused to the character and appearance of the area. 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:

BT/M2/5/1, BT/M2/5/2, BT/M2/5/3B, BT/M2/5/4, BT/M2/5/5A, BT/M2/5/6, BT/M2/5/7, BT/M2/5/8, BT/M2/5/8, BT/M2/5/9 and BT/M2/5/10

3. 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 safeguard the amenity of adjoining and future 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/20/00907 including all letters and documents