

Report to:	PLANNING COMMITTEE
Date of Meeting:	04 August 2021
Report from:	Assistant Director of Housing and Built Environment
Application address:	Unit 2 Lacuna Place, Havelock Road, Hastings, TN34 1BG
Proposal:	Installation of a wall to house the incoming water mains to meet Southern Water's requirements
Application No:	HS/FA/21/00120
Recommendation:	Grant Full Planning Permission
Ward:	CASTLE 2018
Conservation Area:	Yes - Hastings Town Centre
Listed Building:	No
Applicant:	Hastings Borough Council Muriel Matters Breeds Place Hastings TN34 3UY
Public Consultation	
Site notice:	No
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	Yes
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 Unit 2 Lacuna Place, Havelock Road, a vacant ground floor unit, set within a commercial building whereby the upper floors are used as office space. The ground floor was however granted permission for a change of use to a flexible A1, A2, A3, A5, B1, D1, and D2 use under application HS/FA/19/00814. The unit is located on the

western side of Havelock Road but is also accessible from Priory Street. The western side of Havelock Road is predominately commercial and office space, with some residential uses found above towards the southern end of the road. Positioned on the southern side of the site are the offices of Meridian Surveyors and on the northern side is a Tesco Express. Opposite the site there are three and four storey buildings used for commercial, offices, residential uses with the vacant University of Brighton building also found on this side. The application site lies within the Hastings Town Centre Conservation Area designation. The building itself is of a modern design with a rendered and red brickwork face. It is noted there is no shop frontage to the ground floor, with the frontage of the unit currently being covered by hoarding with temporary security fencing also in place at the front.

Constraints

SSSI Impact Risk Zone (not within threshold)
Land Owned By Hastings Borough Council (HBC)
Conservation Area - Hastings Town Centre
Conservation Area Appraisal Consultation Draft
Archaeological Notification Area
Surface Water 1 in 1000
Groundwater Flooding
Climate Change 1000 year
Business Improvement District

2. Proposed development

This application is seeking planning permission for the installation of a wall to house the incoming water mains to meet Southern Water's requirements. Usually a water pipe would be installed at lower level below the ground, due to the structure of the building this is not possible, as such the pipe is required at a higher level and to be insulated and encased by the wall to ensure the water is at a correct temperature in order to meet Southern Water's regulations.

The proposed new brick wall will measure 0.44m in width and will run a total length of 1.97m. The new wall will measure 0.45m in height from the ground (highest point taken). The wall will be formed of a double skin with insulated cavity for route of underground water supply pipe. The new wall will be constructed of red facing bricks to match the existing building brick work with the wall topped with matching red bull-nose brick headers to both sides. The existing metal handrail and bottom step will need to be cut back and adjusted to suit the new wall.

No other form of development is proposed under this application.

The application is supported by the following documents:

- Site Waste Management.
- Design and Access Statement.

Relevant planning history

- HS/CD/21/00213 Discharge of condition 4 (materials) of Planning Permission
HS/FA/19/00664
Permission with conditions on 28/04/21
- HS/FA/20/00103 Additional plant added to existing roof plant. Extent of louvred screen to be extended by 5m and raised in height up to 2.4m to provide sufficient screening.
Permission with conditions on 22/05/20
- HS/FA/19/00664 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
Permission with conditions on 20/12/19
- 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.
Permission with conditions on 20/12/19

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)

Revised Draft Local Plan

Other policies/guidance

- National Design Guide

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

With regards to this application the following consultations were undertaken:

Hastings Borough Council Conservation Officer - **No objection subject to condition 4**

4. Samples of the brick and capping to be submitted to the local planning authority for prior approval.

East Sussex County Council Archaeological Officer - **No comments to make**

Hastings Borough Council Estates Team - **No comments received**

Southern Water - **No objection received**

Advice has been provided by Southern Water for the applicant, this information will be attached to the decision as informative notes so the applicant is aware of their responsibilities.

4. Representations

In respect of this application neighbour letters were issued and an advert placed in the local paper. No responses were received.

5. Determining issues

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

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 the character and appearance of conservation area

Policy EN1 of the Hastings Planning Strategy (2014) states development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. Policy DM1 of the Hastings Development Management Plan (2015) establishes that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: protecting and enhancing local character. Furthermore Policy HN1 of the Hastings Development Management Plan (2015) states 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).

The application proposes minor works to a publicly visible area. As such, the Hastings Borough Council Conservation Officer was consulted on this application. It is noted the initial scheme proposed for the bull-nose brick headers to be black. Having been out on site there are no black bricks used on the Havelock Road frontage with this choice of finish to appear at odds within the existing arrangement. Following discussions with the applicant it was agreed that the use of red bull-nose brick headers would be more in keeping and would provide a match with the rest of the wall and the buildings frontage. The plans were amended to reflect this. As such, it is not considered that the proposed wall will cause harm to the character and appearance of the conservation area. The Hastings Borough Council Conservation Officer concludes that they raise no objection to the proposal subject to the imposition of a condition (no. 4). The applicant must submit samples of the brick and capping of the wall, prior to commencement of any development and these must be approved in writing by the Local Planning Authority. The proposed works, subject to conditions, are therefore considered acceptable in this respect and 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.

Given the siting, position, scale and height of the proposed new wall and the considerable distance from any neighbouring properties, it is not considered that the new wall will have any negative impact upon the amenity of the neighbouring properties in terms of privacy, outlook and daylight levels. The proposed works are therefore considered acceptable in this regard and in line with the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Highway safety/parking

The proposed new wall will be located at the front of the unit facing Havelock Road, the wall will be set back from the public footpath with the line of the existing building above projecting further out past the wall, and as such the wall will be set back a considerable distance from the public highway also. The public footpath will not be affected and will remain unobstructed by the development, including fencing placed around the works during construction. As such, given the moderate scale of the proposal and the discrete location there will be no harmful impact upon pedestrians or vehicles in terms of highway safety and parking.

e) Access

The proposed wall is to be located away to one side of the fire exit door to the front of the building. As such, the door will still remain wider than the internal space it serves and will be clear of any obstruction, allowing the door to open freely when required.

f) Site Constraints

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

The site is affected by ground and surface water flooding constraints, however given the nature and scale of the proposed works to erect a wall on existing hardstanding, there will be no increase in 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.

6. Conclusion

In light of the above assessment, the proposed is considered appropriate for this location and would not cause harm to the character or appearance of the Conservation Area. The proposed works are considered acceptable and are in line with the relevant policies of the Hastings Local Plan and the National Planning Policy Framework. Therefore, it is recommended that permission is granted for the proposed works subject to the attached conditions.

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:

ESAD 1793 _ PP, BG/H6/1/5, BG/H6/1/3 and BG/H6/1/4 A

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. No works shall commence until samples of the brick and capping of the hereby approved wall is submitted to and approved in writing by the Local Planning Authority. Works shall then be carried out in accordance with the approved details.

5. No part of the works, including safety fencing placed around the site during construction, shall extend over the public highway.

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.
4. In the interests of the character and amenity of the Hastings Town Centre Conservation Area.
5. In order to ensure that there is no obstruction to pedestrian movement in the interests of highway safety.

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 exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The public foul and combined sewers requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewers without consent from Southern Water.
- The 90 mm public water distribution main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public sewers and water main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Southern Water have restrictions on the proposed tree planting adjacent to

Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and Southern Water restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

4. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read the New Connections Charging Arrangements documents which is available on the website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to Southern Waters network, they require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations:

- Reuse
- Infiltration
- Watercourse
- Strom sewer
- Combined Sewer

Guidance on Building Regulations is here:
gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

5. Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/21/00120 including all letters and documents