

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Land Adjacent 14 Cornwallis Street, Hastings, TN34 1ST

Proposal: Replacement of decayed timber shoring to gable wall with new steel equivalent

Application No: HS/FA/22/00343

Recommendation: Grant permission

Ward: CASTLE 2018
 Conservation Area: Yes - NO
 Listed Building: No

Applicant: Hastings Borough Council per E. A. R. Sheppard 5
 Chiswick Place EASTBOURNE East Sussex
 BN21 4NH

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
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

The application site relates to a small parcel of land which is largely flat and is owned by Hastings Borough Council. The site consists of a bin storage area, hedge planting and a single tree approximately 7m high, with timber shoring located on the eastern edge of the site providing support to the gable wall of No. 14 Cornwallis Street. It is proposed for this shoring to be replaced, the acceptability of this replacement will be determined under this application. The site is located on the northern side of Cornwallis Street whereby the road slopes gently up

towards the junction with South Terrace. The site is bounded by No. 14 Cornwallis Street on the east, this is a part single, part double storey building currently operating as a car valet business. Its flank walls are relatively blank, with three modest windows serving non-habitable rooms. There are no treatments to any of the other boundaries and as a result the site is open with Cornwallis Street Car Park to the north and west and the site directly abutted by the pavement of Cornwallis Street to the south. The surrounding area is a mix of modestly attractive residential streets, together with more commercial uses to the south-west, towards the Town Centre. The buildings on the southern side of Cornwallis Street have commercial spaces at ground floor level (mainly restaurants) with residential units above. The site is not located within a conservation area or nearby to any listed buildings.

Constraints

Land Owned by Hastings Borough Council

SSSI Impact Risk Zone

GCN District Licensing Scheme IRZ - Green

Groundwater Flooding

Climate Change 1000 Year / 200 Year

2. Proposed development

This application is seeking planning permission for the replacement of the existing timber shoring which is positioned against the gable wall of No. 14 Cornwallis Street with a new steel equivalent.

The existing timber shoring is badly decayed and is no longer effective. The proposal to replace it is by necessity to make the building stable and safe.

The shoring will be formed of PFCs (parallel flange channels) fixed to the wall using M12 galvanised resin anchors with UCs (universal columns) fixed into two square mass concrete foundation pads which will be situated around 1m beneath ground level.

The overall structure will project approximately 2.05m (furthest point) from the gable wall, measuring approximately 3.15m in width by 4.97m in height.

All steelworks will be mild steel Grade S355 to BS5950 and hot dip galvanised following fabrication.

No other form of development is proposed under this application.

The application is supported by the following documents:

- Waste Minimisation Statement.

Relevant planning history

HS/FA/22/00476 Erection of substation to support new hotel building.

Not yet determined

(Carpark, Cornwallis Street)

- HS/FA/88/00723 ERECTION OF CAR SHOWROOM AND TWO PARKING BAYS ON GROUND FLOOR WITH TWO FLATS ON FIRST AND SECOND FLOORS.
Refused on 12/09/88
(14/14A Cornwallis Street)
- HS/OA/87/00714 ALTERATIONS AND EXTENSIONS TO FORM 2 SELF-CONTAINED FLATS ABOVE EXISTING GARAGE/WORKSHOP.
Outline Application Refused on 23/02/88
(14/14A Cornwallis Street)
- HS/FA/84/00358 Change of use to open storage for car parts.
Permission with conditions on 20/07/84
(Land adj. 14 Cornwallis Street)
- HS/FA/76/00163 Formation of temporary car park.
Permission with conditions on 12/05/76
(12-14 Cornwallis Street)
- HS/70/00148 Change of use from private garage to use for motor repairs.
Permission with conditions on 01/04/70
(14/14A Cornwallis Street)
- HS/OA/71/00007 Site for erection of builders merchants premises, including shops, offices, showroom and stores.
Outline Application Refused on 11/01/72
(12-14 Cornwallis Street)
- HS/OA/67/00232 Use of derelict site as part of Builder's Merchant's premises comprising shops, offices, showrooms, stores and car parking as part of scheme to which OA/66/434 relates.
Outline Application with Conditions on 11/04/67
(12-14 Cornwallis Street)
- HS/OA/66/00434 Site for the erection of builders merchants premises including shops, offices, showrooms and stores.
Outline Application with Conditions on 14/06/66
(12-14 Cornwallis Street)

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Revised Draft Local Plan (Regulation 18)

Policy DP1 - Design - Key Principles

Other policies/guidance
National Design Guide

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to

open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 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 in order to create an attractive, welcoming and distinctive places to live, work and visit.
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity

value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

None required.

4. Representations

In respect of this application a site notice was displayed to the front of the site along Cornwallis Street. No responses were received.

5. Determining issues

The main issues relevant to the determination of this application is the principle of the development, the impact upon the character and appearance of the area and the neighbouring residential amenities.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The site is bounded by No. 14 Cornwallis Street on the east, a part single, part double storey building currently operating as a car valet business. There are no treatments to any of the other boundaries of the site, with Cornwallis Street Car Park to the north and west and the pavement of Cornwallis Street directly abutting the site to the south. As such, the site is fairly open with the gable wall being clearly visible within the street.

It is understood the existing timber shoring to the gable wall of No. 14 Cornwallis Street has been in place for many years and has become badly decayed and is no longer effective. The proposal to replace it is by necessity to make the building stable and safe. The scheme proposes the removal of the existing timber shoring and replaced with a new steel equivalent. The new shoring will be similar to what is already in place in terms of overall siting and size, albeit the material will differ with the use of steel instead of timber. It is considered that the removal of the existing timber shoring will make a positive enhancement to the building and area. The installation of a new steel equivalent is also acceptable as this measure will ensure the long-term structural stability of the building.

In light of the above, it is not considered that the proposed works will have a harmful impact upon the character and appearance of the building or area. As such, the proposed

development is considered acceptable in this regard and in agreement with the aims of 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. Permission will be given for development where:

- 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.

It is proposed for the existing timber shoring to be removed and replaced with a new steel equivalent. The shoring is positioned against the gable wall of No. 14 Cornwallis Street, a part single, part double storey building currently operating as a car valet business. It is noted the new shoring will be similar to what is already in place in terms of overall siting and size, albeit the material will differ with the use of steel instead of timber. The flank walls of No. 14 are relatively blank, with three modest windows serving non-habitable rooms. As such it is considered the relationship on site will remain much the same as before with no impact upon the amenity of any of the neighbouring sites.

On this basis, the proposal is therefore considered to be in accordance with the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Impact on Great Crested Newts

The development falls within the green impact risk zone for Great Crested Newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. An Informative is added (Informative 4) should Great Crested Newts be found on site at any stage of the development works.

e) Site Constraints

The site is within a Site of Special Scientific Interest Impact (SSSI) Risk Zone. 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.

It is noted that the application site is affected by the groundwater flooding constraint, however given the nature and minor scale with the proposed scheme to largely replace the existing timber shoring with a new steel equivalent, it is not considered flood risk on and off site will be impacted and therefore no further consideration is required.

6. Conclusion

In light of the above assessment, it is considered that the proposed works to replace the existing timber shoring with a new steel equivalent is acceptable and in line with the aims of Policies DM1 and DM3 of the Hastings Local Plan - Development Management (2015) and the relevant sections of the National Planning Policy Framework. The replacement steel shoring will replace decayed timber shoring, improving the appearance of the building and ensuring the long-term structural stability of the building. There will be no impact upon the amenity of any of the neighbouring sites. 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 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:

Site location plan (H6185/Site Plan) and Existing and proposed plans (H6185/01)
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. In the event that the shoring is removed, the surface of the wall where the shoring was attached to shall be made good by finishing the wall to match that of the remainder of the side elevation.

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. To ensure a satisfactory form of development in the interests of the character

and 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.
3. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
4. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill Great Crested Newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should Great Crested Newts be found at any stages of the development works, then all works should cease immediately, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

5. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/22/00343 including all letters and documents