

**Report to:** PLANNING COMMITTEE

**Date:**

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings, TN34 1EU**

**Proposal:** **Variation to condition1 of Planning Permission HS/FA/13/00745 - To extend the temporary permission granted for 2 years for a further 2 years. The original premises, Marlborough House, was badly damaged by fire & water and is yet to be repaired.**

**Application No:** **HS/FA/15/00742**

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

**Ward:** CENTRAL ST LEONARDS  
**File No:** WH50150T  
**Applicant:** Carisbrooke Surgery & Paydens Ltd per MF Edwards Property Management & Consultancy Linton Lodge 26 Linton Road Hastings, East Sussex. TN34 1TW

**Interest:** Tenant  
**Existing Use:** Disused Bowling Green/Temporary Dr Surgery and Pharmacy

**Policies**  
**Conservation Area:** No - Adjacent to Old Town  
**National Planning Policy Framework:**  
**Hastings Local Plan -**  
**The Hastings Planning Strategy:** FA2, SC1, EN1,  
**Hastings Local Plan -**  
**Development Management Plan:** DM1, DM3, HN1,

**Public Consultation**  
**Adj. Properties:** Yes  
**Advertisement:** Yes - General Interest  
**Letters of Objection:** 1  
**Petitions Received:** 0

**Application Status:** Not delegated - Council Land with one letter of objection.

## Summary

This application seeks to vary condition 1 of planning permission HS/FA/13/00745 which states the following;

*'The permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition'.*

This application was granted on the 28th October 2013 and is due to expire on the 28th October 2015.

## Details of the Proposal and Other Background Information

The Warrior Square and Carisbrooke doctors surgeries, and pharmacy were originally located in Marlborough House, Warrior Square. Following a major roof fire on 29 July 2013, which resulted in water damage to the lower floors, the building has been completely vacated until repair works have been finalised. It was originally estimated that the repairs would take a minimum of eighteen months and the temporary buildings would be on site for two years. Due to the level of time taken to commence repairs on the site and adverse weather conditions a significant mould and bacteria infestation has occurred. As a result of this, since September 2014 no person has been allowed to enter Marlborough House without full personal protective equipment (PPE). As a result of this the Marlborough House site is clearly presently unfit for purpose as a Doctor's surgery and pharmacy.

This application seeks approval for the buildings on the bowling greens to remain for a further two years

## Previous Site History

HS/FA/13/00745 Erection of temporary portakabin buildings for use as Doctors Surgery and Pharmacy  
Granted Subject to Conditions 28 October 2013

## Site

The application site is one of two previously disused bowling greens, west of Falaise Road. Although the site is not within a Conservation Area, it is within an area identified as a Historic Park and Garden. The site is adjacent Falaise Indoor Bowls Club to the north and there are various recreational areas including tennis courts, ball court, bike/skate board ramp etc to the south. Falaise Road Car Park and White Rock Gardens sit to the east of the site and the second disused bowling green and tennis courts lay to the west, with the Magdalen Road Conservation Area beyond. The site has been the location of the temporary Doctor's Surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

## **Details of Consultations**

In response to the consultations issued for this application one letter of objection was received. The comments within this letter relate to procedural matters rather than planning matters. The final paragraph of this objection letter states that '*I will have no objection if the time limit for these temporary structures is extended using correct procedures...*'

The Estates Department have no comments to make on this application.

Refuse storage have no adverse comments to make.

Amenities and leisure have no adverse comments to make.

## **Planning Considerations**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

### **Impact on Historic Parks and Gardens and street scene/design (DM Plan Policies DM1, DM3, HN1. Planning Strategy Policy EN1):**

The character and appearance of the temporary buildings was previously considered and approved under the planning application HS/FA/13/00745. At this time it was decided that, although the temporary buildings are not of an appearance that would normally be acceptable in this location, due to the exceptional circumstances and the buildings being for a temporary period only, the application should be granted. It was also considered that due to the level of screening around White Rock Gardens, overall there would be a minimum impact on the designated Historic Parks and Gardens.

### **Impact on parking and access (DM Plan Policy DM4):**

The impact on parking and access was also considered as part of the previous application. At this time it was considered that there was adequate parking in the area and easy access to main bus routes on Bohemia Road and the seafront.

As part of this application there are no changes proposed to the parking arrangement on site.

### **Other considerations:**

Both the doctors surgery and pharmacy are critical services for the local residents that continue to need to be provided while repair works on their permanent location are taking place.

### **Recommendation:**

Although the essence of this application remains unchanged, the overall impact of the structures on the Historic Park and Garden can not be ignored.

Taking this in to account I am of the opinion that although the use of the site provides a critical service to local residents, it should only be allowed to continue for a maximum of 2 further years. I therefore recommend approval of the extension to time subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: P040-PL01

### **Reasons:**

1. In the interests of the character and amenity of the White Rock Gardens and the area in general.
2. For the avoidance of doubt and in the interests of proper planning.

### **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 paragraphs 186 and 187 of the National Planning Policy Framework.

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/15/00742 including all letters and documents