

Report to: PLANNING COMMITTEE

Date: 18 June 2014

Report from: Development Manager

Application Address: Supermarket, 32-36 Little Ridge Avenue, St Leonards-on-sea, TN37 7LS

Proposal: Extension of existing convenience retail floorspace

Application No: HS/FA/14/00307

Recommendation: Grant permission

Ward: CONQUEST

File No: HI64050T

Applicant: Brookton 2000 Limited per David Lock Associates 50 North Thirteenth Street Milton Keynes Buckinghamshire MK9 3BP

Interest: Freeholder. There are other freehold properties - the flat and the pharmacy

Existing Use: Retail

Policies

Hastings Local Plan 2004: DG1 and DG2

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1, E3 and T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3 and DM4

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 3

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Summary

The application site relates to the Tesco Express supermarket at 32-36 Little Ridge Avenue. The applicant wishes to extend the supermarket at the front (entrance) to the building and to the rear.

The main issues to consider are the impact of the extension on the character and appearance of the area, the impact on existing businesses and residents, and the impact on

highway safety.

The design of the extension follows the appearance of the existing building with its large gabled roof. This approach will ensure that there is no harm to the building or the character of the area.

Given the size of the extension, which is small, it is not considered that there will be any harm to local businesses or local residential amenities. It is also considered that there will be no harm to highway safety as levels of traffic will not increase significantly as a result of the larger store.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to the Tesco Express supermarket at 32-36 Little Ridge Avenue, Hastings. Little Ridge Avenue is a predominantly residential area with many estate roads and cul-de-sacs branching off it. The supermarket is located centrally along Little Ridge Avenue and provides a convenience store for residents in the local area. The site of the supermarket also includes a pharmacy and residential accommodation at first floor level.

The existing building is detached from other properties and benefits from a parking area and an area of soft landscaping.

Details of the Proposal and Other Background Information

The applicant wishes to extend the supermarket at the front (entrance) to the building and to the rear. The proposed front extension is designed to be in keeping with the existing building by also extending the gable ended roof forwards. The proposed rear extension has a flat roof and is much smaller. This extension is intended to improve the service/yard area of the store. The scheme would increase the floorspace by a net total of 80sqm and includes revisions to the parking layout, new mechanical plant, a new access to the store from Little Ridge Avenue and revised landscaping.

Previous Site History

None relevant.

Details of Consultations

The **Local Highway Authority** commented on these proposals at the pre-application stage and the proposals have not changed in this time. They raise no objection to the scheme.

The application has attracted three letters of objection. Concerns include:

- access to the pharmacy particularly by disabled and older people;
- loss of visible shopfront to pharmacy - impact on business;
- reduced daylight to shop unit and residential units;
- disturbance during construction;
- traffic impact; and
- noise and disturbance;

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".

The main policies/guidance that apply are policies SC1 and T3 of the Hastings Local Plan: The Hastings PLanning Strategy (HPS); policies DG1 and DG2 of the Hastings Local Plan 2004 (HLP); and policies DM1, DM3 and DM4 of the Hastings Local Plan: Development Management Plan (DMP). Others apply and are listed above. The main issues to consider are the impact of the extension on the character and appearance of the area, the impact on existing businesses and residents, and the impact on highway safety.

Impact on the character and appearance of the area

The main element of the proposal is the extension to the front of the building. This part of the proposal will match the current gable end design and bring this part of the building forward by approximately 5m. As the existing building is detached and does not relate to other properties in the area, and because there is sufficient space in front of the existing store to accommodate an extension whilst maintaining sufficient parking and a landscaped boundary, this approach to the front extension design is acceptable. It will not detract from the design of the existing building or harm the character of the area.

The rear extension is much less noticeable and will cause no harm. Here the applicant proposes to 'square off' the rear of the building with a single storey flat roof extension. Some mechanical plant is proposed to be included on this flat roof but this will be screened. As the extension is to the rear, not prominent and mostly screened behind existing boundary treatments it is considered acceptable.

The proposal will result in a reconfigured car park and the loss of some soft landscaping. The changes to the car park are not significant and will maintain the current level of parking. To ensure that decent planting is maintained following the loss of some shrubbery and small trees a landscaping condition is recommended.

Subject to conditions the proposed development is not considered to harm the character or appearance of the area.

Impact on existing businesses and local residents

The objectors to the scheme have raised concerns about the impact on the existing pharmacy business and local residents.

The concern of local residents is the loss of light to the flats above the retail units and the general noise and disturbance to surrounding residents by increased movements and traffic.

In terms of light the properties at first floor level in the existing building are served by dormer windows. Despite the objections received the proposed extension is not tall or large enough to reduce levels of light received at these properties. The extension does not fail tests in Building Research Establishment (BRE) guidance on sunlight and daylight and as such is considered acceptable and decent levels of light will be maintained.

The impact on local residents in the surrounding area, over and above the existing use, is not considered to be significant. The concerns raised in the objection letters received almost entirely relate to the harm the existing supermarket is considered to cause. The impact of the entire existing unit is not being considered as part of this application, only the impact of the extension can be taken into account. In this respect the net increase in the size of the store is 80sqm which is small. The existing store is 230sqm. Whilst I appreciate that those objecting to the scheme consider that the extensions to the store will exacerbate the problems they have identified, there is no strong evidence to support this.

Given the small increase in the size of the store, the fact that parking will be maintained and that access for delivery vehicles will remain, and considering the applicant's supporting information I do not consider that the extension to the shop will result in harm to neighbouring residential amenities.

The adjacent pharmacy suggests that the extension will harm their business. They consider that the pharmacy will become screened by the extension to such an extent that they will be 'hidden' and footfall will reduce. They also consider that access will be restricted and that light will be reduced.

The existing supermarket projects forward of the pharmacy shopfront and as such the pharmacy is only visible when viewed along Little Ridge Avenue to the west of the site, from the lay-bys to the north, and from the car park. Although the extension will obscure views of the pharmacy from the north it will still be visible by those coming from the west and when using the car park. The pharmacy will not be hidden and I cannot agree that the extension will impact upon the pharmacy business.

There is no requirement to protect the light received through the pharmacy shopfront. Notwithstanding this the pharmacy will still benefit from daylight received from the northwest and west. It will also benefit from sunlight in the afternoon onwards.

Access for pedestrians from Little Ridge Avenue is proposed to be reduced to a narrow ramped footway and I am concerned about this. However, this matter can be addressed by condition by requesting revised access details.

Traffic

As mentioned above the proposed development is increasing the size of the supermarket by 80sqm. There is no planning policy requirement for an extension of this size to be accompanied by a traffic assessment because such extensions aren't considered to cause harm. Nonetheless the application is accompanied by a Transport Report and here the applicant has explained how the proposed extension will not result in significant increases in traffic flow or make the area unsafe.

Those objecting to the application have highlighted what they consider to be inaccuracies in the report but the main conclusion is that the extension will not result in significant additional traffic over and above the existing store. Considering this the proposed extension is not considered to cause harm to highway safety.

Other

The plans submitted show a number of pieces of mechanical plant but no details of these have been submitted. To ensure that they will not cause disturbance to local residents through noise a condition is recommended requiring a noise statement to be submitted.

Given the above these proposals are considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I therefore recommend that planning permission be granted subject to conditions.

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

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:

1533 URB HS [08] 00 01 D00, 02 D00, 03 D00, 04 D00 and 05 D00; 1533 URB HS [08] 20 01 D00 and 02 D00; 1533 URB HS [08] 70 01 D00 and 02 D00; and 1533 URB HS [08] 80 01 D00 and 02 D00
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include, notwithstanding that shown on the approved drawings, a revised pedestrian access from Little Ridge Avenue, proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

6. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
7. 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.
8. Before the development hereby approved is commenced a noise assessment related to the proposed new plant shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The rating level of the plant, when measured in accordance with BS4142 should achieve a level of at least 10dB below existing background noise level at neighbouring noise sensitive premises unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved assessment.

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. In the interests of the visual amenity.
4. In the interests of the visual amenity.
5. In the interests of the visual amenity.
6. In the interests of the visual amenity.
7. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)

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.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00307 including all letters and documents