

Planning Agenda

Wednesday, 17 May 2023 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building through the Contact Centre entrance via the seafront.

For further information, please contact Democratic Services on 01424 451484 or email:
democraticservices@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting 19/04/23	1 - 16
4.	Notification of any additional urgent items	
5.	Planning Applications	
	(a) Promenade Opposite 48-49 Eversfield Place, St Leonards-on-sea (HS/FA/22/00967) <i>L Fletcher (Planning Officer)</i>	17 - 36
	(b) Roadways and footpaths at Pelham Crescent, Hastings (HS/FA/21/00994) <i>A Stanyer (Senior Planning Officer)</i>	37 - 58
6.	Planning Appeals and Delegated Decisions	59 - 60

This page is intentionally left blank

Agenda Item 3 Public Document Pack

PLANNING

19 APRIL 2023

Present: Councillors O'Callaghan (Chair), Colins (Vice Chair), Beaney, Beaver, Cannan, Edwards, Patmore, Roberts

Officers: Eleanor Evans (Planning Services Manager), Surinder Atkar (Senior Solicitor), Tom Bagshaw (Principal Planning Officer), William Larkin (Planning Officer)

408. APOLOGIES FOR ABSENCE

Councillors Williams substituted by Councillor Patmore

409. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	5(a,b)	Personal – East Sussex County Councillor
Cllr Bacon	5(a)	Prejudicial – Family lives near by
Cllr Beaver	5(a)	Personal – Knows someone who lives nearby

410. MINUTES OF PREVIOUS MEETING 22/03/23

RESOLVED – that the minutes of the meetings held on 22nd March 2023 be approved as a true record

411. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

412. PLANNING APPLICATIONS

PLANNING

19 APRIL 2023

413. 5 THE GREEN, ST LEONARDS-ON-SEA, (HS/FA/22/00264)

Proposal	Demolition of existing outbuilding and proposed extension with associated parking and landscaping. Change of use from HMO (Sui Generis) to 11 flats (C3).
Application No	HS/FA/22/00264
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 83 objections received

Councillor Bacon left the chamber

The Principal Planning Officer updated that a petition has been received against the proposal stating objections with design, loss of greenspace and Insufficient provision of 3 or more-bedroom units. There are two clerical issues that need to be rectified. These are that the air quality and admission guidance refers to the 2020 guidance which should be 2021 and the recommendation sets out that a legal agreement should be completed by the 28th of July 2022. This should say the 28th of July 2023.

Slides were shown of a location plan and block plan. Slides were shown of an arial photograph, photographs of the front of the building, photograph from the opposite roadside and a photograph of the outbuilding. A slide was shown of the site plan showing a two and a half storey extension which would give the impression of the building having two wings. The proposal includes 9 parking spaces and the access will be widened to allow two vehicles to pass each other. The garden to the rear of the property would be retained as a communal amenity space for the proposed residential units. Bin stores would be located at the front of the property and cycle storage to the rear. The proposal is not considered to result in any impact upon neighbouring amenity that would warrant the refusal of the application.

Slides were shown of the front and rear elevation of the proposed extension which would pay recognition to the original property whilst differentiating itself with some modern elements including a large glazed window. Slide were shown of the Floor plans for the Ground Floor, First Floor and Second Floor. The application would provide 11 flats. Concerns have been raised by neighbours regarding impact on neighbouring amenity, however, the application layout and information provided mitigate these concerns and offers do not consider there to be an unacceptable impact upon neighbouring amenity

PLANNING

19 APRIL 2023

The petitioner Suzy Trevethan spoke to the committee in opposition to the officers' recommendations. The proposed building is of a poor design and much too big. It's too close to neighbouring homes and would have a significant, overbearing and enclosing impact on neighbouring properties overlooking and causing a particular loss of light and privacy to neighbouring properties. This is contrary to policy, paragraph 130 of the NPPF, which requires that all planning policies and decisions should ensure that developments promote a high standard of immunity for existing and future users. Policy DM1 of the Hastings local plan states that new development should observe the neighbourhood's block sizes, scale, height and massing. This extension would look like a cramped and overdeveloped addition to the plot, and far too close to the boundary for a building of its excessive size. The excessive four storey height and the glazed Gable would also look completely out of keeping with the character of the area. Contrary to policy DM1, this building has four stories at the front and five at the back, roughly doubling the footprint of the existing building. It would be much bigger than the other small scale domestic extensions in the area and would diminish the sense of spaciousness as well as the historic and architectural character of this part of the road. The design approach also falls short of established local and national planning policies, particularly policies DM1 and DM3 of the Hastings local plan and paragraphs 126 and 130 of the NPPF, which seek to secure a high standard of design in all new developments that is sympathetic to the surrounding built form. #5 is a characterful Edwardian building. The proposed design is undistinguished and incongruous. The officer report refers to a previous approval at the site for these three Storey link block between numbers 5 The green, which was never implemented in has since expired. This was much smaller than the current proposal and the circumstances were entirely different at the time, five and six had the same owner and functioned as a care home. I consider the neighbouring amenity section of the officer report to be inaccurate, agreeing that the side facing living room window to the North East elevation of our property will suffer a loss of light, it says. This loss would not detrimentally impact the light levels to a point that would warrant the refusal of the application. We have commissioned a new Chartered Surveyors report showing that the proposed extension doesn't observe either the relevant 25 degree or 45 degree line of sight BRE standards, which is a typical requirement in the case of the side facing living room window, the room would feel considerably less pleasant. There would be a need for artificial lighting during the day and the outlook would also be severely restricted by a large flank wall along the boundary. Seven side facing windows are proposed facing directly over the boundary towards the windows and the Garden of number 6 resulting in a strong sense of overlooking and increasing the overbearing impact of the extension. The recommendation to ensure the windows are fitted and maintained as obscure glazed does not seem a reasonable compromise given the proximity to the boundary. The officer report says nothing about the inevitable increase in the number of comings and goings, noise and disturbance that would result from the creation of 11 new dwellings. The application is not supplemented with the noise assessment. Nor is any noise attenuation to be secured by condition, as would normally be expected for a

PLANNING

19 APRIL 2023

development of this scale. For these reasons, the proposal would be contrary to policy DM3, which requires neighbouring amenity to be considered and appropriate solutions to be incorporated into schemes. This proposal has received 83 objections from residents and local Councillors know local people have pride in their area and in the high quality of much of the architecture in the area and the town.

Councillors asked if the neighbouring property is a single dwelling. The petitioner answered it is a single dwelling.

The architect Bernard Baker spoke to the committee on behalf of the applicant. The case Officer Recommendation is to grant full planning permission for HSFA 22264. It seeks full planning permission for change of use and internal alterations to an existing HMO which serves 11 properties to form 5 flats. The proposed new extension would provide an additional 6 private flats. The site has a history of approved development and is Brownfield, which demonstrates that the proposal would be acceptable in principle. The Council is presently falling short of a five year supply of housing land. Therefore, due to the lack of housing, the provision of five additional units is considered a benefit of this scheme and should be weighed accordingly in planning balance. The site is near local facilities and public transport. The proposed extension will be a positive contribution to the appearance of the building and architectural features, such as the Edwardian mouldings, demonstrating respect to the host building, it does incorporate modern glazed windows as well, so it is defined separately. The scale of the building would not be out of keeping with the street scene in which most properties are built within proximity of the plot boundary. The front and rear curtilage of the property would be relatively unchanged and would retain much of the existing parking. A garden the surface water drainage strategy has been supplied and confirmed acceptable by Southern Water. We have supplied a daylight and sunlight statement which shows that the room which has one window to the side, will suffer some loss of light. This loss of light would not detrimentally impact on the light levels that would warrant a refusal of the application as stated by the case Officer and the room also benefits from a Bay window to the front and therefore would benefit from sufficient daylight. The living standards of the future occupier complies with the national space standards. The application proposes to widen the existing access. It's already 3.6 metres but we would widen it to 4.8 to allow two vehicles to pass at the entrance. The layout of the parking area is for 9 spaces, and it's been assessed by East Sussex County Council highways, who confirmed that the layout would be acceptable and allow access and egress from the site so full. The refuse and cycle storage proposals have been provided and considered acceptable. The recommendation of the report is that the Planning Services Manager be authorised to issue Planning Commission upon completion of a Section 106. The provision of 1 residential unit which will be as the first home and there is also provision of a commuted sum for affordable housing.

Councillors asked regarding an aesthetically pleasing property being produced.

PLANNING

19 APRIL 2023

The architect answered that application is to recess the central link between the old original Edwardian building and the new proposed whilst picking up on the some of the original features and incorporated a certain modern style such as the glazed Gable

Councillors asked why such a large extension is being added? The architect answered that that it is a very large site, and the extension is not large in proportion to the site. A further question was asked regarding why not build the extension two and half storeys high. The architect explained it would look strange. Now there's a single-story extension, the application is for a two and half story extension then that it would follow the street pattern down the road.

The councillors asked the architect regarding the number of parking spaces. The agent answered there would be nine parking spaces including a disabled space. Councillors also asked regarding the size of the entrance. The agent explained the entrance would be widened to allow two vehicles through at one time. East Sussex County Council have agreed it's a safe access with low level planting on the front area.

The Principal Planning Officer updated the window would not be the only source of light to the room in the neighbouring property. The parking space is in accordance with East Sussex County Council parking calculator.

Councillors asked if the current residents have been informed of the application. The Principal Planning Officer and Planning Service manager explained an informative can be added.

Councillors asked if any of the points raised by the petitioner regarding National Planning policy are material considerations? The Principal Planning explained there are some comments regarding overbearing and issues of design and character which are planning judgements. They have all been considered within the report and officers have weighed that in a planning balance at the end to try to give a rounded view of the application. The Senior Solicitor explained there are many in there, but they have to be considered in your judgement in the light of the fact that that there is no longer a five year housing supply available, which means that you don't use the normal balance in coming to your determination. You have what is called the tilted balance by virtue of the fact that we don't have a five year housing supply, which means that the harm has to demonstrably and significantly outweigh the benefit before you can refuse it.

Councillors asked if the Officer is content with the parking. The Principal Planning Officer explained that the layout has been reviewed and approved by East Sussex Highways engineers who are our expert consultees in this matter.

Councillors debated.

The Principal Planning Officer suggested an informative of 'The applicant is advised that contact should be made to the relevant part of the Council's housing Department

PLANNING

19 APRIL 2023

to assist in the securing of current occupants and rehousing at the earliest opportunity.'

Councillor Beaver proposed approval of the recommendation including the informative, seconded by Councillor Roberts.

RESOLVED (5 votes for, 3 votes against)

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- a) The provision of 1 residential units as a First Home
- b) The provision of a commuted sum for 1.2 units of affordable housing of approximately £115,200

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions/infrastructure.

In the event that the Agreement is not completed by 28 July 2023, that the application be refused on the grounds that it does not comply with the relevant policies (Policies H3) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above

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. 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.
3. The development hereby permitted shall be carried out in accordance with the approved plans.

PLANNING

19 APRIL 2023

4. The use hereby permitted shall not commence until details of the layout of the reconstructed access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

5. The proposed development shall be carried out in accordance with the submitted Surface Water Drainage Strategy (SuDS, RevA). These details shall be retained and maintained thereafter.

Prior to commencement of the development hereby approved the following details shall be submitted to and approved in writing by the LPA in consultation with ESCC SUDS:

- a) Detailed drainage drawings and calculations demonstrating that surface water runoff from the proposed development shall be limited to 2 litres per second. Surface water attenuation up to and including storms with a 1 in 100 (plus climate change) annual probability of occurrence shall be stored with onsite or downstream flooding. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings.
- b) Details of the outfall connection to the public sewer should be provided as part of the detailed drainage drawings, including approval from the Statutory Sewage Undertaken.
- c) Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) A maintenance and management plan which shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place through the lifetime of the development shall be provided to the Local Planning Authority.

The approved details shall be implemented prior to occupation of the development. These details shall be retained and maintained thereafter.

6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

7. 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

PLANNING

19 APRIL 2023

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.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

8. 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.
9. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure (fences/walls); car parking layouts; other vehicle and pedestrian access and circulation areas; bin collection points, hard surfacing materials; and, proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc).

In addition these details should demonstrate that the proposed surface water drainage would prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

10. All hard landscape works shall be carried out in accordance with the approved

PLANNING

19 APRIL 2023

details to be approved under condition 8 of this permission. 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.

11. No development shall commence until a sustainability assessment including an emissions mitigation plan has been submitted to and approved by the LPA. These details shall thereafter be retained for the life of the development unless otherwise agreed in writing by the LPA.
12. The development hereby approved shall not be occupied until full details of the external storage spaces for cycles have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and retained thereafter and once provided the cycle storage area shall not be used for any other purpose other than the storage of cycles.
13. No development shall take place, including any ground works or works of demolition, until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - e) the anticipated number, frequency and types of vehicles used during construction,
 - f) the method of access and egress and routing of vehicles during construction,
 - g) the parking of vehicles by site operatives and visitors,
 - h) the loading and unloading of plant, materials and waste,
 - i) the storage of plant and materials used in construction of the development,
 - j) the erection and maintenance of security hoarding,
 - k) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
 - l) details of public engagement both prior to and during construction works.

detailed measures to manage flood risk, both on and off the site, during the construction phase.
14. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such samples should include bricks, roofing materials, mortar samples, and samples of all windows and doors and rainwater goods.

PLANNING

19 APRIL 2023

Thereafter development shall be carried out and maintained in accordance with the approved details.

15. The development hereby approved shall not be occupied until full details of the external storage spaces and collection point for refuse bins have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and once provided the refuse storage area shall not be used for any other purpose other than the storage of refuse bins and retained thereafter.
16. Prior to occupation, a "lighting design strategy" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not unacceptably harm the amenities of neighbouring properties.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

17. The development shall not be occupied until the proposed parking arrangements which have been approved in hardlandscaping condition 8 have been provided in accordance with the approved details prior to the occupation of the building and shall thereafter be retained and maintained and would not be used for any purpose other than the parking of vehicles.
18. All windows proposed (Excluding existing windows) on the side elevations of the development (south west and north east) shall be obscurely glazed and non-opening up to 1.7 metres from finished floor level. These details shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
19. The development hereby approved shall be carried out in accordance with waste management details as set out within BA2070 Waste Statement_Mar 22. These details shall thereafter remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining residents.

PLANNING

19 APRIL 2023

3. For the avoidance of doubt and in the interests of proper planning.
4. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
5. To ensure that the proposal would not result in unacceptable flooding and drainage impacts and to ensure an acceptable form of development.
6. To ensure that the proposal would not result in unacceptable flooding and drainage impacts and to ensure an acceptable form of development
7. In the interests of the visual amenity of the area.
8. In the interests of the visual amenity of the area.
9. To secure a well planned development that functions well and in order to protect the visual amenities of the locality and to ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding
10. To secure a well planned development that functions well and in order to protect the visual amenities of the locality and to ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding
11. To ensure a satisfactory development and in terms of environmental impacts and sustainability
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. In the interests of highway safety and the amenities of the area.
14. In the interests of the visual amenity of the area.
15. In the interests of the visual amenity of the area and to ensure an acceptable form of development.
16. To ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the amenities of neighbouring properties.
17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. In order to protect the amenities of neighbouring residential properties
19. To ensure an acceptable form of development.

PLANNING

19 APRIL 2023

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 applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
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.
5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.
7. That applicant is advised that prior to commencement of development details of the applicant shall establish the exact position of the public water main.
8. **THE AREA HIGHWAY MANAGER WILL REQUIRE NOTICE OF COMMENCEMENT OF WORKS ON OR ADJACENT TO THE HIGHWAY. SEE NOTE m).**

Notes to be read in conjunction with attached highway comments and conditions

- a) In urban areas the treatment of the radii shall be accordance with the requirements of the Highway Construction Engineer.
- b) Any existing ditch shall be cleaned out to even fall and piped to a size to

PLANNING

19 APRIL 2023

accept the maximum flow of water likely to arise (internal diameter 300mm or as agreed with the Highway Construction Engineer).

- c) Where an existing access is to be stopped up the applicant is required to raise the existing dropped kerb and make good the footway/verge and kerb.
- d) Any existing footway shall be made good with similar construction and surfacing.
- e) Where the edge of the carriageway is already defined by Continental Channel, dropped Continental Channel sections (if available) or concrete channel blocks shall be used instead of dropped kerbs and if necessary the transition between the constructions made in in-situ concrete to the satisfaction of the Highway Construction Engineer.
- f) Any gates are to be set back a minimum distance of 5 metres (11 metres for farm or industrial accesses) from the edge of the carriageway and are to open away from the highway.
- g) The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from the highway should be allowed to flow into the site. The provision (by the applicant) of positive drainage measures may be required to collect any flow of surface water.
- h) Any necessary alterations to the property or services of, any statutory authority or undertaker shall be carried out at the expense of the applicant and under the supervision of such authority or undertaker to their satisfaction.
- i) If the requirements outlined in these details and/or notes conflict with the requirements of the Fire Officer then the Fire Officer's requirements shall prevail.
- j) Reference to Sub-Base (Type 1) in the access section diagram refers to graded granular sub base complying with Clause 803 Specification for highway works (SHW), Amendment – February 2016.
- k) The County Council charges a fee for works on or adjacent to the highway and will expect you to obtain a licence/ enter into a Private Works Agreement prior to the commencement of works. For crossovers (and

PLANNING

19 APRIL 2023

minor access works) please call 0345 6080193 or email customer@eastsussexhighways.com For other highway works please call Transport Development Control on 01273 482254 or email TDC at developmentcontrol.transport@eastsussex.gov.uk. The Highway Inspectors require at least 15 days notice of your intention to commence works under a PWA in order that the necessary utility service checks may be completed before works commence. Three months notice is required for major schemes

- l) You must ensure that the contractor has ten million pounds public liability insurance and one of their employees holds a current Supervisors New Roads and Street Works Act Certificate and at least one operative on site should hold an Operators Certificate. A list of contractors with the required certificates is available from East Sussex Highways and the Transport Development Control (TDC) team.

- m) For crossovers (and minor access works) please call 0345 6080193 or email customer@estsussexhighways.com For other highway works please call TDC on 01273 482254 or email TDC at developmentcontrol.transport@eastsussex.gov.uk

- n) If you decide to use one that is not on the list, you must ensure that copies of the certificates are supplied by the contractor to East Sussex Highways or the Transport Development Control Team).

- o) Your attention is drawn to the fact that your contractor will have to book road space under the Traffic Management Act 2004. Please ask them to contact the Network Co-ordination Team on 0845 60 80 193 who will need at least 21 days notice of the commencement of works.

9. The applicant is advised that contact should be made to the relevant part of the Council's housing Department to assist in the securing of current occupants and rehousing at the earliest opportunity

414. HIGH BEECH CHALET PARK, (THE OFFICE), WASHINGTON AVENUE, ST LEONARDS-ON-SEA (HS/FA/23/00023)

Proposal	Erection of a single-storey rear extension (retrospective) (amended description)
----------	--

PLANNING

19 APRIL 2023

Application No	HS/FA/23/00023
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 7 objections received

-

Councillor Bacon returned to the chamber

The Planning Officer reported that seven letters of objection were received from six addresses and one letter of support. There were concerns that the office would be made into a residential chalet. The existing office, which gains planning permission in 2019, measures below 14 square metres, which is significantly below the minimum permitted size of a one person one bedroom dwelling of 37 square metres. Due to the frequency of the use of the WC and hand basin there would be no noticeable impact on the private sewage system. Slides were shown of a location plan, block plan, aerial photographs and drawings showing that the extension is lower in height than the office and does not extend beyond either of the side walls. It's not considered to cause any overshadowing to any neighbouring properties. It's considered that the extension does not cause any harm to neighbourhood amenity nor to the character and appearance of the area.

There were no questions for the officers.

Councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Roberts.

RESOLVED (Unanimously)

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:

1773 [7] - 1A
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

PLANNING

19 APRIL 2023

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 ensure that the finished extension matches the appearance of the existing dwelling.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. 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, 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

3. 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.

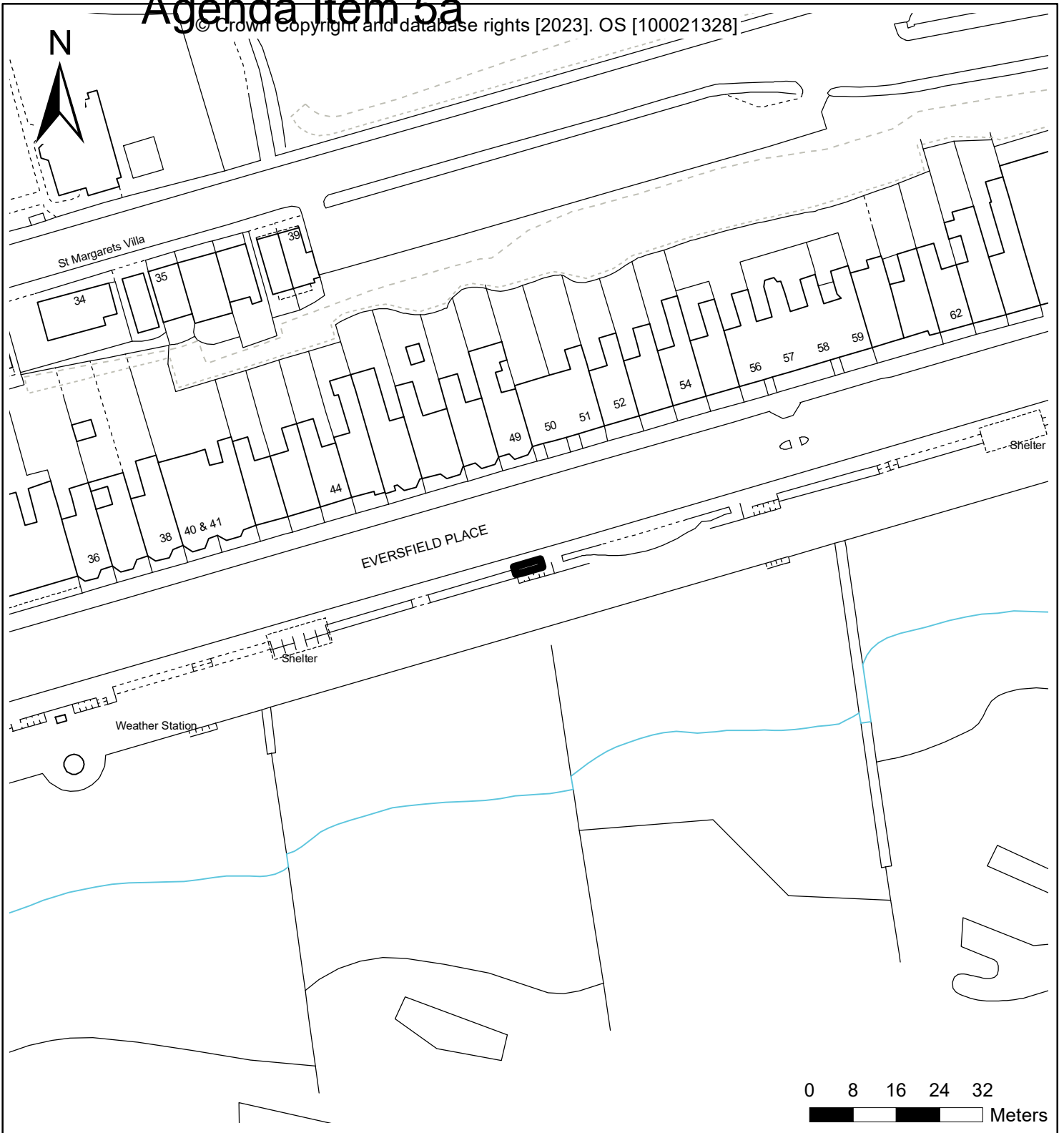
415. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 7.03 pm)

Agenda Item 5a

© Crown Copyright and database rights [2023]. OS [100021328]



**Promenade Opposite
48-49 Eversfield Place
St Leonards-on-sea**

To create a secure storage unit to hold green commercial waste/recycling bins associated with Store 5, Lower Promenade Bottle Alley.



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Apr 2023

Scale: 1:1,000

Application No. HS/FA/22/00967

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 17 May 2023

Report from: Planning Services Manager

Application address: Promenade Opposite 48-49 Eversfield Place, St Leonards-on-sea

Proposal: To create a secure storage unit to hold green commercial waste/recycling bins associated with Store 5, Lower Promenade Bottle Alley.

Application No: HS/FA/22/00967

Recommendation: REFUSE

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Eversfield Place
Listed Building: No

Applicant: TWC Cafe Ltd Store 4 Bottle Alley Eversfield Place, Hastings, East Sussex. TN37 6FD

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	21
Petitions of objection received:	0
People in support:	189
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application site relates to an area on the promenade set within a recessed area immediately adjacent to the stairwell which serves Bottle Alley, Lower Promenade and in close proximity to store 5. The application site forms part of the Bottle Alley development of the 1930's carried out by Sidney Little, The Borough Engineer and extends from Harold Place to Marina. The Bottle Alley development which formed the Lower Promenade of Hastings makes a significant aesthetic contribution to the setting of Hastings seafront and introduced aspects of modernism to the area. The application site is immediately adjacent to

the public footway of Eversfield Place with the busy classified road of Eversfield Place thereafter which forms part of the A259 into Hastings, positioned opposite are Nos. 48 and 49 Eversfield Place. The site is clearly visible within the street scene and falls within the Eversfield Place Conservation Area designation. The site is also located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place. The shelters are part of the Historic England list entry which includes Carlisle Parade Car Park, the subway, entrance ramps, sunken garden and three shelters, and the five additional Shelters on Eversfield Place.

Constraints

SSSI Impact Risk Zone

Land Owned By Hastings Borough Council

Eversfield Place Conservation Area

Conservation Area Appraisal Consultation Draft

Located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place

Archaeological Notification Area

Flood Zone 2 and 3 Environment Agency

Flood Zone 2 and 3a SFRA

Climate Change 200 and 1000 year

District Licensing Scheme - Great Crested Newts - Amber Impact Risk Zone

Background information:

This application has been re-submitted following the refusal of application HS/FA/21/00624 which also related to a proposed bin storage unit in this location. The application was refused due to its harmful impact upon the character and appearance of the conservation area, and to concerns raised in relation to designing out of crime. This application proposes the same bin storage unit as refused under application HS/FA/21/00624, there has been no change in the siting, scale, height or design of the proposed bin storage unit, nor have the Policies of the Hastings Local Plan changed since its refusal on how it would be assessed. Whilst we are fully supportive of the business which has provided jobs, attracted visitors and has utilised a vacant unit which is clearly proving to be a success as detailed within the submitted design and access statement, this does not alter the fact that a bin storage unit is unacceptable in this proposed location with the reasons for refusal under HS/FA/21/00624 having not been overcome. The applicant was made aware of the Local Planning Authority's concerns and advised that the application would be refused in its current form. Due to the unacceptable location of the bin storage unit currently being proposed amendments were not offered. The applicant was advised that an alternative location would need to be carefully considered, a more discreet location, as to not disrupt the setting of a designated heritage asset or result in the loss of a significant feature, this has also been voiced in the Conservation Offices comments. Whilst the applicant has provided further information in an attempt to address the Local Planning Authority's concerns uploaded to the case on 29th of March 2023 named 'Addendum to design and access statement' it is not considered this has overcome the concerns raised.

Note. Whilst the submitted design and access statement establishes that the proposed bin store unit will measure 1.1m in width by 4.88m in length and 1.5m in height, there are some noted discrepancies between the design and access statement and drawings, with the proposed floor plan and elevations drawing measuring 1.1m in width by 5.1m in length and

1.75m in height and the block plan measuring 1.45m in width by 5.1m in length. It is noted if the application had been considered acceptable in other respects, then amendments could have been sought to address this issue, however given that the principle of development in this location is not considered acceptable these were not requested.

It is also important to note that application HS/FA/20/00688 which approved a café/take away premises at store 4 had condition 8 attached which stated the following:

'Any waste and recycling shall be securely stored within the footprint of the building and taken to the closest collection point on the relevant collection day'.

As such, the use of a bin storage unit in this location would be in technical breach of condition 8 of application HS/FA/20/00688.

2. Proposed development

The application is seeking planning permission for the creation of a permanent secure storage unit to hold green commercial waste/recycling bins. The design and access statement which accompanies this application states the bin store will help service store 4 which is in operation as a café/takeaway business (Starsky and Hatch), approved planning permission under application HS/FA/20/00688. The applicant has a tenancy for both stores 4 and 5. The statement goes on to state that when the bins are not in use, they are stored in store 5 (away from any food preparation areas in store 4 for hygiene purposes) and the green commercial waste/recycling bins are located roadside for ease of collection by the waste management company.

The area is located opposite 48-49 Eversfield Place, at the top of a set of steps which allow access down to the lower promenade where stores 4 and 5 are located, this area has been indicated on the block plan. According to the block plan the proposed bin store will measure 1.45m in width by 5.1m in length. However, in the submitted design and access statement it is referenced as being 1.1m in width by 4.88m in length and 1.5m in height, with the proposed floor plan and elevations drawing measuring 1.1m in width by 5.1m in length and 1.75m in height. The bin store is proposed to be constructed of brick, partly built on the existing wall and rendered and painted in a white finish, with a flat roof, with timber doors painted in a black finish with galvanised steel door furniture with a padlock to lock the bin store. The existing historic metal railings will need to be removed in order to accommodate the proposals. Currently the proposed area is being used to store three green bins for recycling, general rubbish and food waste, with the waste collected once a week.

No other form of development is being proposed under this application.

The application is supported by the following documents:

- Photograph of proposed location of bin store.
- Heritage statement.
- Amended waste management plan.
- Design and access statement.
- Addendum to design and access statement.

Relevant planning history

Application No.	HS/FA/21/00624
Description	Creation of a secure bin/recycling storage unit.
Decision	Refused on 18/11/2021

Application No.	HS/FA/20/00688
Description	Change of use to a flexible use of Class E (commercial and service) and Sui generis (takeaway).
Decision	Granted with conditions on 17/03/2021

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA6 - Strategic Policy for The Seafront

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 DM4 - General Access

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment

Policy DP1 - Design - Key Principles

Other policies/guidance

East Sussex County Council minor planning application guidance (2017)

Manual for Streets (2007)

National Design Guide (2019)

Paragraph 39

Well-designed places are:

based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;

- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

Paragraph 40

Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including: the existing built development, including layout, form, scale, appearance, details, and materials;

- local heritage - see below - and local character - see Identity ;
- landform, topography, geography and ground conditions;
- landscape character, drainage and flood risk, biodiversity and ecology;
- access, movement and accessibility;
- environment - including landscape and visual impact, microclimate, flood risk, noise, air and water quality;

- views inwards and outwards;
- the pattern of uses and activities, including community facilities and local services; and
- how it functions.

Paragraph 42

Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale - see Built form ;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development - see Identity .

Paragraph 50

Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 53

Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph 54

Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 74

Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

Paragraph 75

Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.

Paragraph 76

A well-designed movement network defines a clear pattern of streets that:

- is safe and accessible for all;
- functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes;
- limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;
- promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion; and
- incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.

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 194 states:

"Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail

should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states:

"In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 200 states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 202 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 206 states:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 208 states:

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

Conservation Officer - Objection

Reason: The proposal would not provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place.

Reason: The proposal would fail to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting.

Reason: The proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset.

The recommendation would be for an alternative location to be found for the proposed bin storage unit, where it would not disrupt the setting of a designated heritage asset or result in the loss of significant features.

Estates - Support

Waste and Street Scene - No objection

We must add that this unit will be in view of residents, beside a busy road and close to the windy seafront, tourist location. Therefore, the units must be monitored, maintained, and always kept clean to prevent odours, litter and nuisance to the local community and environment.

East Sussex County Council Highways - Objection

Any bin storage would need to be licensed under section 185 of the Highways Act 1980 and would only be authorised to a competent authority such as Hastings Borough Council. This application is from a private individual therefore East Sussex Highways would be unable to licence the bins at this location on the public highway directly to this applicant.

Any bin storage on the public highway would also require a licence under 115 of the Highways Act 1980 as a permanent structure. The plans submitted for this specific bin store would protrude into the footway, thus reducing the width of the footway which would move pedestrians towards the carriageway. There is also a lamp column directly opposite this location which already reduces the available width of the footway. It is also noted that the doors to the units open outwards which would further impede onto the footway and pose a potential risk if unsecured outside of business hours when monitoring cannot take place.

East Sussex Highways Licensing team would be unable to grant the 185 and 115 licence.

4. Representations

In respect of this application site notices were displayed on the 24th February 2023 near to the proposed site, one on the Upper Promenade of Eversfield Place and another on the Lower Promenade, and an advert placed in the local paper.

27 letters of objection have been received from 21 different properties, raising the following concerns:

- Eyesore/overbearing/clutter/out of keeping and harmful to the conservation area.
- The bin store will obscure views of the promenade and sea.
- Detrimental to the enjoyment of the promenade and surrounding area.
- Removal of historic railings would set a dangerous precedent (would they be stored for reinstatement if the business moves on).
- The locks which attach to the bins to the railings are already causing damage to the railings.
- Blind spots would be created in a currently open stairway and would encourage anti-social behaviour which is already a problem.
- Magnet for graffiti like the bin store that was created further along.
- The applicants are not always in the vicinity unlike other establishments nearby who control the waste outside their premises.
- The placing of the bin store will encourage fly tipping and littering which is already a problem with the current bins and is a problem at the bin store for store 2. Harmful to residents, wildlife and the environment.
- Currently and for some time now only one large bin plus two smaller bins have been in use, so a much smaller store is required than proposed, but two larger bins and two smaller bins are proposed so a much larger bin store is required.
- Unnecessarily large. Bin store should be reduced in size with a greater number of collections made.
- The store will unnecessarily protrude onto the footway, certainly further than the current bins, make access for disability scooters and wheelchairs inconvenient.
- The applicants constantly and possibly illegally, park their car on the footway in front of the bins.
- Decrease in value of nearby properties.
- The bin store is located quite a distance from store 4 (Starsky and Hatch) itself.
- Could set a precedent for future applications.
- An application has previously been refused for the same proposals, this should not be being proposed again.
- The existing bins should be removed, and this should be enforced.
- The applicant has never positively engaged with the local residents regarding this proposed development in order to get a compromise solution.
- Information supplied between documents is contradictory not clear what sized bins are required.
- The design and access statement is inaccurate in terms of stated opening hours of store 4.
- This application is in breach of condition 8 of permission HS/FA/20/00688.
- There are plenty of viable bin locations, some already available, which would be less harmful, the business could team up with other establishments to share facilities or adapt their own premises at store 4 or arrange for private collection services and use store 5.

- Various letters of support are from customers not residents who live nearby to the bins, with the objection comments being from neighbours who live opposite.
- Starsky and Hatch put up notices on their tables on the 22nd of March 2023 regarding the proposed bin store asking for letters of support from their customers, but the notice contained a number of inaccuracies. Since then, there have been many comments of support received. The planning committee should be made aware of this timeline.

190 letters of support have been received from 189 different properties, raising the following points:

- Starsky and Hatch are a successful local business, employing many local young people, making the area attractive to tourists and bringing in revenue for Hastings.
- The business has attracted many out-of-town visitors with its creative food and drink offerings.
- A bin storage unit is essential for storage and is required to allow easy access for collection.
- A bin storage unit will hide waste bins and improve the appearance of the area.
- The bin store is of an attractive design.
- The existing railings are in a poor state so will be great for these to be removed.
- Other establishments along the beach should be made to follow suit to provide a unified appearance.
- The business has made a huge improvement to the environment in and around Bottle Alley for residents and visitors.
- Recycling should be being encouraged, there should be more bins like this.
- Increase in pedestrian traffic which has created a much safer and more welcoming environment.
- The business should be supported by the council with the right infrastructure to function, otherwise we may lose this business and others which would be detrimental to the area.
- Not the easiest of places to operate from, the business has turned around a beautiful part of the town which has been neglected for many years.
- Storage in the store is hugely limited.
- The business has kept the area around the cafe clean and tidy, and also regularly cleans the alley and beach.
- Other premises are able to have bin stores so why can this business not.
- There is already precedent for this type of development with previous approved application in at store 2 and another at the source park.
- If the business needs to close down, jobs would be lost and would lead to a decline in the area again with anti-social behaviour increasing.
- There seems to be an inconsistency between establishments along the seafront.
- The business is very environmentally friendly and are trying to minimise waste, so in order to maximise this they need secure bin storage.
- Friendly owners and staff, the business is an asset to Hastings.
- Important community hub for residents and visitors alike.
- If business needs to close down could affect the mental health of customers.
- Anti-social behaviour would happen regardless of whether the bins are there or not.
- Plenty of room between the storage area and footway, no obstruction caused.

Whilst the loss of an attractive view from a private property is not a material consideration and is not taken into account, it must be noted that any harm caused to the character and appearance to the conservation area as a result would be.

It is also noted the devaluation of nearby properties is not a material consideration and is not taken into account.

Whilst we applaud the applicants drive to produce less waste and their recycling efforts, this is not the issue here it's the location of the proposed bin storage that is at the heart of the debate.

5. Determining issues

The main issues for consideration is whether the character and appearance of the Eversfield Place Conservation Area would be adversely affected and whether the proposal would bring about detriments to highway safety and designing out of crime.

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 Eversfield Place 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 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 proposed site, which is within the Eversfield Place Conservation Area and is located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place. The shelters are part of the Historic England list entry which includes Carlisle Parade Car Park, the subway, entrance ramps, sunken garden and three shelters, and the five additional Shelters on Eversfield Place.

The promenade to the rear of the two Grade II listed shelters, which is above Bottle Alley and has open views of the Grade II listed Hastings Pier, is an aesthetically pleasing stretch with a distinctive harlequin design.

The section between the two shelters is a congruous symmetrical arrangement consisting of landscaped brick bordered raised flower beds.

The central flower bed arrangement is a crescent shaped bed which has ramps to either side which lead from the harlequin footway to the roadside footway and to steps which lead down to Bottle Alley. The steps to the east and west, which include matching iron railings form a symmetrical pair and contribute to the harmonious arrangement which is part of the setting of the Grade II listed shelters.

The proposed development site is part of a symmetrical and aesthetically pleasing part of the promenade with the steps to the east and west of the central raised flower beds forming a symmetrical pair. The other significant feature of these two stairwells is that they have managed to retain the historic iron railings, which sadly has not been the case in other locations along the promenade.

The proposed permanent bin storage unit, which involves removing a section of the historic iron railings, would disrupt this significant symmetrical arrangement and cause less than substantial harm to the character and appearance of the Eversfield Place Conservation Area and the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place.

Whilst it is noted the application includes examples of other bin storage units which were approved under planning applications HS/FA/21/00344 and HS/FA/20/00986, with the proposal said to replicate the bin store unit granted for store 2 under application HS/FA/21/00344 in design terms. Both of these were in different locations on the promenade, in areas that did not have significant iron railings, and in areas which already had similar adjacent low-level masonry structures, with every application based on its own merits.

The proposed location of the bin storage unit by virtue of its siting, position, scale and design would harmfully alter the existing arrangement. As noted above there are railings which run alongside the stairway which allow views through and degree of openness to be achieved, the proposed arrangement would involve removing these railings and creating a 1.5m high (according to the design and access statement) or 1.75m high (according to the proposed floor plan and elevations drawing) solid rendered wall running the full length of 4.88m (according to the design and access statement) or 5.1m (according to the proposed floor plan and elevations drawing and block plan) in their place which will result in an overbearing and dominating form of development when viewed from the stairway and Eversfield Conservation Area. It is understood that Sidney Little's vision was for a symmetrical two-tiered promenade, the connection of the two-tiers made by pierced-through stairwells with views through to the sea, with this being eroded by these proposals. It is also considered the presence of this street furniture would lead to a congested and cluttered appearance. There is a concern that this could set a precedent for future applications, which is not a form of development that should be encouraged on the upper promenade at this particular location. The application fails to enhance or protect the area but in fact will cause harm to the surrounding heritage assets.

The historic railings are defined elements of this designated landscape, being one of the key features which contribute to the promenade. Historic England would always rather these features be maintained rather than be removed, removing them would remove any ability to maintain them. The applicant has stated within the submitted addendum to design and access statement that these railings are a health and safety issue, we do not agree with this assertion, and this wouldn't be a material consideration here. If the applicant is concerned,

then they should contact the Local Authority's Community Safety Manager.

Objection has been raised by the Conservation Officer to the siting of the proposed bin store.

Whilst it is understood that waste facilities are required, the applicant has been advised that an alternative location would need to be carefully considered, a more discreet location, as to not disrupt the setting of a designated heritage asset or result in the loss of a significant feature. It was made clear under approved planning application HS/FA/20/00688 that waste would need to be securely stored within the footprint of the building, detailed under condition 8. Due to environmental health legislation open bins cannot be stored in the same area as food preparation areas for hygiene reasons. It is acknowledged that if the space within the store was subdivided with a separate store for waste, then the applicants would be able to comply with environmental health legislation. We have also suggested an alternative external location, near to the chairs and tables at lower promenade, although preference would be for an internal store, however the applicant has not wished to explore this option.

In view of the above, it is considered the proposal fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework and should be refused in this regard.

c) Highway safety

As mentioned above, there are a number of discrepancies between the dimensions of the proposed bin storage unit when comparing documents submitted with the application, with the width of the proposed bin storage unit differing between the design and access statement and proposed floor plan and elevations drawing being 1.1m in width with the block plan being 1.45m in width.

East Sussex County Council Highways were consulted on the application. A response has been received with objection raised due to concerns raised by the East Sussex Highways Licensing team. It is noted these comments have been based on the submitted block plan with the proposed bin store shown to measure 1.45m in width.

The East Sussex Highways Licensing team have advised that any bin storage would need to be licensed under section 185 of the Highways Act 1980 and would only be authorised to a competent authority such as Hastings Borough Council. This application is from a private individual therefore East Sussex Highways would be unable to licence the bins at this location on the public highway directly to this applicant.

Manual for Streets states, *'As pedestrians include people of all ages, sizes and abilities, the design of streets needs to satisfy a wide range of requirements. Obstructions on the footway should be minimised. The document establishes that the minimum unobstructed width for a footway for pedestrians should generally be 2m. Additional width should be considered*

between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops'.

Any bin storage on the public highway would also require a licence under 115 of the Highways Act 1980 as a permanent structure. The submitted block plan for this specific bin store shows it would protrude into the footway, thus reducing the width of the footway which would move pedestrians towards the carriageway. There is also a lamp column directly opposite the bin store location which already reduces the available width of the footway. The A259 is a main arterial route into Hastings and out to Bexhill and Eastbourne, being a busy route at all times of day and night. Pedestrians also access a bus stop, which is in close proximity using this stretch of footway and the ramp, immediately adjacent to the site, is an access point for those with mobility issues, walking aids, wheelchair and pushchair users with this being a main access point. It is therefore essential that the width of the pavement is capable of accommodating pedestrian traffic for both able and less abled bodied persons. As noted above, Manual for Streets states that generally the width of a footway should be no less than 2m in order to enable the safe passage of pedestrians of all ages, sizes and abilities. Manual for Streets advises however that an additional width should be considered between the footway and a heavily used carriageway, such as the A259, which runs parallel to the site. An on site measurement, based on a bin store of 1.45m in width, would reduce the footway width to approximately 1.67m having regard to the position of the the lamp column. This is less than the required minimum width for general footways and takes no account of the heavily trafficked carriageway, as recommended by Manual for Streets. This would reduce the width of the footway to an unacceptable width, hindering safe access for pedestrians of all abilities, moving pedestrians towards the carriageway and causing possible hazards for pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for streets (2007).

It is also noted that the doors to the bin storage unit open outwards by approx. 0.9m which would further impede onto the footway and pose a potential risk if unsecured outside of business hours when monitoring cannot take place. Regarding this point the applicant has mentioned that these would be secured with a lock with the refuse team to have a set of keys.

For the above reasons, East Sussex Highways Licensing team would be unable to grant the 185 and 115 licence which would be required for this type of application.

d) Designing out of crime

Policy SC1 of the Hastings Local Plan states growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:

(j) reducing opportunities for crime and disorder through innovative design and the clear distinction of public and private space.

National Design Guide (2019) establishes, a well-designed movement network defines a clear pattern of streets that: is safe and accessible for all, functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes, limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying

opportunities to improve air quality, promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion and incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.

Manual for Streets states, pedestrians can be intimidated by traffic and can be particularly vulnerable to the fear of crime or anti-social behaviour. In order to encourage and facilitate walking, pedestrians need to feel safe. And goes onto state, pedestrians generally feel safe from crime where: their routes are overlooked by buildings with habitable rooms, other people are using the street, there is no evidence of anti-social activity (e.g. litter, graffiti, vandalised street furniture), they cannot be surprised (e.g. at blind corners), they cannot be trapped (e.g. people can feel nervous in places with few entry and exit points, such as subway networks) and there is good lighting.

Whilst it is noted the application includes examples of other bin storage units which were approved under planning applications HS/FA/21/00344 and HS/FA/20/00986, with the proposal said to replicate the bin store unit granted for store 2 under application HS/FA/21/00344 in design terms. Both of these were in different locations on the promenade, in areas that did not have significant iron railings, and in areas which already had similar adjacent low-level masonry structures, with every application based on its own merits.

In view of the above policy and guidance, concern is raised to the position, height and scale of the proposed permanent bin store alongside the existing stairwell providing access down to Bottle Alley, Lower Promenade. Bottle Alley has a history of antisocial behaviour associated with the street community as well as it being targeted by graffiti. The proposed bin store will alter the existing relationship on site and will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness to this part of the steps and could lead to anti-social behaviour such a graffiti which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan for designing out of crime and the guidance provided within the National Design Guide (2019) and Manual for streets (2007). In addition, this arrangement could in turn cause harm to the special character of the Eversfield Place Conservation Area which would be contrary to Policies EN1 and HN1 of the Hastings Local Plan and should be refused in this respect.

Whilst it is clear from reading the design and access statement submitted alongside this application that the applicants have and are continuing to improve the safety level along Bottle Alley, which is welcomed, it is not considered that this overcomes the concerns as noted above of a bin storage unit in this location, with alternative solutions available.

e) Impact on Great Crested Newts

The development falls within the amber 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. If the application had been considered acceptable in other aspects an informative note would have been added to advise the applicants of their responsibility should Great Crested Newts be found on site at any stage of the development works.

f) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. Conclusion

In relation to Policies EN1, HN1 and DM1 of the Hastings Local Plan, the proposed bin storage unit would create a dominant and overbearing form of development which would create a congested and cluttered environment to the upper promenade. The proposed bin storage unit fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework.

Furthermore, the proposed bin store will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness of this part of the steps and could lead to anti-social behaviour which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan and the guidance provided within the National Design Guide (2019) and Manual for streets (2007). This arrangement could in turn cause harm to the special character of the Eversfield Place Conservation Area, which is contrary to Policies EN1, HN1 and DM1 of the Hastings Local Plan.

The proposed bin storage unit would protrude into the footway and cause obstruction to pedestrian movements of all abilities, with the position of the lamp column opposite the proposed site further reducing the available width of the footway to approx. 1.67m. This would move pedestrians towards the carriageway, causing possible hazards to pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for Streets (2007). Therefore, it is recommended the application should be refused for the above reasons.

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

7. Recommendation

Refuse for the following reasons:

1. The proposal fails to satisfy the aims of Policies EN1, HN1 and DM1 of the Hastings Local Plan, the proposed bin storage unit would create a dominant and overbearing for of development which would create a congested and cluttered environment to the upper promenade. The proposed bin storage unit fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework.
2. The proposed bin storage unit will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness of this part of the steps and could lead to anti-social behaviour which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan. This arrangement could also in turn cause harm to the special character of the Eversfield Place Conservation Area which is contrary to Policies EN1, HN1 and DM1 of the Hastings Local Plan.
3. The proposed bin storage unit would protrude into the footway and cause obstruction to pedestrian movements of all abilities, with the position of the lamp column opposite the proposed site further reducing the available width of the footway to approx. 1.67m. This would move pedestrians towards the carriageway, causing possible hazards to pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for Streets (2007).

Note to the Applicant

1. 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.

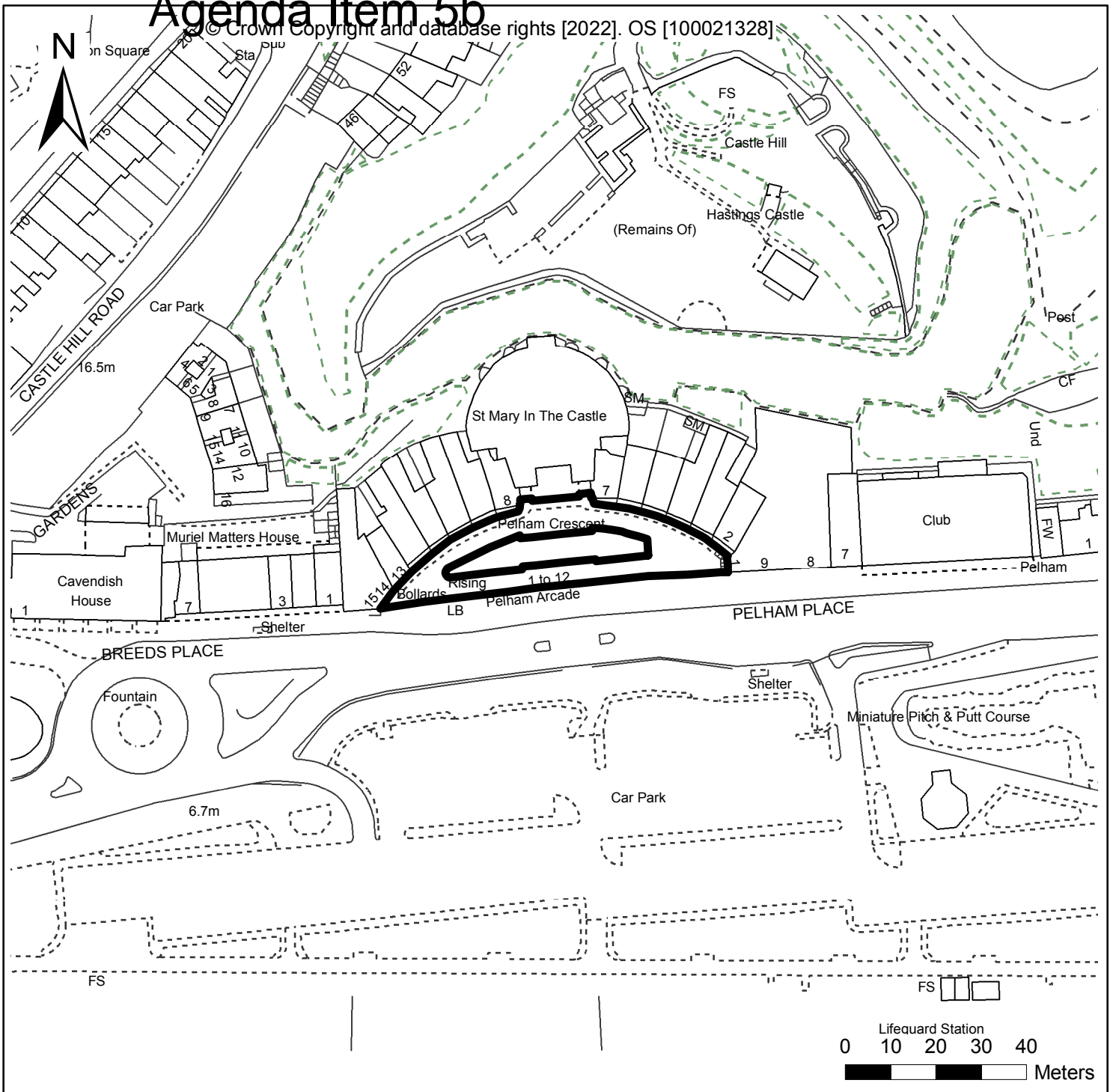
Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/22/00967 including all letters and documents

Agenda Item 5b



Roadways and footpaths at Pelham Crescent Hastings

Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings TN34 3UY
 Tel: 01424 451090
 email: planning@hastings.gov.uk

Date: April 2022

Scale: 1:1,250

Application No. HS/FA/21/00994

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE
Date of Meeting: 17 May 2023
Report from: Planning Services Manager

Application address: Roadways and footpaths at Pelham Crescent, Hastings

Proposal: Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).

Application No: HS/FA/21/00994

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: Yes - Old Town
Listed Building: Grade II*

Applicant: Hastings Borough Council per Saville Jones
Consultants 74 Victoria Road Worthing BN11 1UN

Public Consultation

Site notice: Yes
Press advertisement: Yes - Affects a Listed Building Amended Plans
Neighbour Letters: No
People objecting: 2
Petitions of objection received: 0
People in support: 1
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated -
Council application on land part owned by the
Council.

1. Introduction

This report is set out in two parts, the first part provides an update since a resolution to grant was agreed at planning committee on 20th April 2022. It sets out a revised recommendation and provides an update on consultations and representations received since the 20th April 2022.

The second part comprises a copy of the original committee report for information purposes.

2. Pelham Crescent - Update Report

Members will recall that this application was previously reported to the Planning Committee on 20th April 2022. During the Committee, it was determined that the application should be approved, subject to a requirement for a S106 agreement relating to the future maintenance and management of Pelham Crescent by the owners of the site. The recommendation in respect of the application was set out as follows:

'A) That the Planning Services Manager be authorised to issue planning permission after the notification process to the Secretary of State is completed and upon completion of a Legal Agreement under s106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/FA/21/00994 to secure:

- *The communal management of access to Pelham Crescent by the various owners.*

In the event that the Agreement is not completed by 31 July 2022 that permission be refused on the grounds that the application does not comply with the NPPF policies, Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015, and, unless an extension of time has been agreed in writing by the Planning Services Manager.

*B) Subject to the above:
Grant Full Planning Permission subject to the following conditions'*

The application was then passed to Hastings Borough Council Legal Team, who were instructed to draft and circulate the S106 agreement to the various landowners in order to bring about the determination of the application.

Hastings Borough Council Estates Team have since contacted the Planning Department to confirm that their original comments on the application may have been misconstrued and that there is no requirement for a S106 agreement. Their revised comments on the application, as received on 11th April 2023, are set out below:

'I have reviewed the report the report that went to Planning Committee on 20 April and note the recommendation to issue planning permission upon completion of a Legal Agreement under s106 of the Town and Country Planning Act for the communal management of access to Pelham Crescent by the various owners.

I think there has been a misunderstanding in terms of my comments as I do not consider a s106 is required. I was simply pointing out that a formal agreement would be needed in the future for management of access.'

As the funding for the proposed works has not yet been confirmed, it has been agreed that, should funding for the works be obtained following the grant of planning permission, a formal agreement will be entered into privately between the existing landowners to ensure the future maintenance and management of the access. The agreement to secure the future management and maintenance of the access will be a condition of the funding and the agreement will be entered into by the external grant funders in conjunction with all existing landowners including Hastings Borough Council.

In view of their latest comments from the Hastings Borough Council Estates Team, the application is being recommended to Members on the basis that the application should still be approved, subject to the conditions which were previously proposed. However, the nature of the recommendation has been amended to the extent that there is no longer a requirement for a S106 agreement.

Revised recommendation

Grant subject to conditions listed in section 9 of the report.

The original application assessment and the details of the conditions remain unaltered and are set out in the report below for reference:

3. Original Appraisal

The application site relates to Pelham Crescent, Hastings. This is an access road from Breeds Place or Pelham Place which sits above the roof of properties on Pelham Arcade, which are Grade II* listed buildings within a subterranean shopping arcade that fronts onto Pelham Place. The Arcade itself is also Grade II* listed as a group of buildings with architectural significance including townhouses and the Church of St Mary in the Castle. Pelham Crescent provides access to the Pelham Crescent houses and the former church of St Mary in the Castle.

Pelham Arcade is a highly significant designated heritage asset and because of its derelict condition it is on the Historic England's 'Heritage At Risk' Register. The Crescent was designed as an architectural centre piece in the original development of Hastings hence the Grade II* listing. The site falls within the Old Town Conservation Area and the group makes a positive contribution to its character and appearance.

Constraints

Archaeological Notification Area

Old Town Conservation Area

Grade II* Listed Building (part of a group of Grade II* Listed Buildings)

Heritage At Risk Register
Business Improvement District
GCN District Licensing Scheme IRZ Amber
Estate Agent Board Control Zone

Listing Details

Pelham Crescent comprises several designated heritage assets: the centrepiece of the Church of St Mary in the Castle; 9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1-12, 12A and 12B Pelham Arcade; 7 and 8 Pelham Place (all listed at Grade II*) and; 9A Pelham Place (listed Grade II). There is a lengthy listing for this group of properties and short paragraphs of the listings have been extracted as detailed below:

Church of St Mary in the Castle; 1353209; Grade II*

**757/13/193 PELHAM CRESCENT 757/14/193 CHURCH OF ST MARY IN THE CASTLE
19-JAN-51 Amended 25-NOV-2010.**

GV II* Former parish church. St Mary in the Castle, 1825-8 forms the centrepiece of Pelham Crescent which was designed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester between 1823 and 1828. The church was subject of an Act Parliament which received royal assent on 2 May 1825, and was consecrated on 28 January 1828. The roof substantially rebuilt 1829; the church reworked in the later C19, probably after 1884 when the parishioners took responsibility; it was declared redundant in 1970 and refurbished in the early 1990s.

MATERIALS: Stone and brick, cement-rendered, and lined as ashlar, stone dressings.

9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1191926; Grade II*.

**757/13/192 PELHAM CRESCENT 757/14/192 1-8 19-JAN-51 PELHAM CRESCENT 9
PELHAM CRESCENT 10-14 PELHAM CRESCENT 14A AND 15 PELHAM PLACE 9 GV
II*.**

Includes No 9 Pelham Place, 1824-8 Architect Joseph Kay. A long crescent of houses with St Mary's in the Castle at the centre divides the crescent in two. Each house 4 storeys and basement which is above the ground floor level, one window wide. Stuccoed, painted. Parapet. The end houses have scrolled pediment features with acroteria. Slate roofs. 1st and 2nd floors have large segmental bowed windows of sashes all with glazing bars intact. 2nd and 3rd floors have hooded balconies on slight curve. 3rd floor semi-circular window. Ground floor door and sash window. All lattice, railings and other ironwork contemporary. Built for the Earl of Chichester Sir Thomas Pelham.

Nos 1 to 15 (consec) and No 14A, St Mary's in the Castle and Nos 7, 8, and 9A Pelham Place form a group.

1-12, 12A AND 12B Pelham Arcade; 1043389; Grade II*

This list entry was subject to a Minor Amendment on 22/05/2014

HASTINGS, PELHAM PLACE, PELHAM ARCADE, 1-12, 12A AND 12B (Formerly listed as 1-12 AND 12A, PELHAM ARCADE. Previously listed as: PELHAM PLACE, 1-12 PELHAM ARCADE)

03-MAY-88.

GV II* Semi-subterranean arcade of shops, developed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester in 1823-5, the first phase of the Pelham scheme, also providing a revetment for the carriage drive to Pelham Crescent and the church of St Mary in the Castle.

Modified in the 1860s to open up the southern range of stalls to the street, first at the eastern end of the arcade, and then by 1863 into the south wall of the ramp. The main basement to the western end was excavated as early as 1860/61 by wine merchant Joseph Arnold. By 1881 Gothic fronts had been added to two bays of the façade. C20 and early C21 individual shops disguise the façade and internal plan of the southern arcade.

4. Proposed development

The application seeks planning permission for the reconstruction of the surface on Pelham Crescent, various road improvements, renovations, alteration works and upgrades to the road, including the installation of heritage style bollards, signs in Pelham Crescent, the installation of dropped kerbs and the provision of new service duct utilities. This application seeks to carry out works on Pelham Crescent given that due to water ingress the fabric and structure of the historic building is deteriorating, the existing road and the arcade below are in a derelict state such that urgent repairs and reinstatement of the waterproofing layer are required to protect this Heritage Asset and to ensure its long-term survival. This is compromising the ability of the Arcade to function as retail units.

The proposed works include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6 x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.

The various works proposed by this planning application are detailed as follows:-

- Removal of the existing road surface and substrate to repair the surface of the sandstone structural vaults. A screed is proposed to be applied to the uneven surface of the sandstone to provide a smooth and even base for the water-proofing layer.
- The wearing coarse and visible top surface of the road will be finished in a resin bound gravel which is used extensively in historic and environmentally sensitive areas and provides a more natural and more authentic and pleasing appearance than black tarmac. The proposed drainage channels will be the same as the materials used at present, and where possible, the existing material will be re-used.
- The application proposes to reinstate the whole pavement access to the Pelham Crescent in York stone, retaining the existing York stone and repairing with new where necessary on a like for like basis. The existing kerbs are to be re-used.
- To the east of the site are original pedestrian stairs leading down to the seafront. The existing treads covered with bitumen are proposed to be removed and replaced with York stone to match existing.

- To the east of the site the balustrade guarding the stairwell is partially missing and this application proposes to replace this with new cast iron to exactly match the existing.
- To the southern parapet wall a new balustrade along the front of the parapet is proposed to be installed. This has been carefully designed such that its design reflects the existing Pelham Crescent balcony designs and is a minimal intervention to allow safer, usable public space.
- At the original entrance to the arcade to the west York stone flags are to be set flush with the existing re-laid flag surface adjacent so as to reinstate the prominence to the entrance.
- A 0.915m high stone pillar is proposed to be installed at the entrance to the arcade and is proposed to be constructed of new cast aluminium signs to announce Pelham Crescent and Pelham Arcade.
- At the entrance to Pelham Crescent the application proposes the installation of six new bollards. These will be polyurethane in a “East Sussex” design which imitates tradition cast iron in its appearance. Three of the bollards will be fixed and the other three will be screwed into the sockets in the ground and can be removed to provide vehicular access when required, and to allow occasional access when vehicles are authorised or required to access the Crescent in an emergency. Future access to Pelham Crescent will be controlled, managed and enforced by the owners of the road via a management team.
- A new service duct to route utilities in one accessible area is proposed under the pavement, which will minimise future disruption to the waterproofing layer and greatly reduce future damage to the Pelham Arcade structure.
- The application proposes to incorporate two dropped kerbs, between the pavement and the road surface, so that it is possible to move more easily around Pelham Crescent. One directly in front of St Mary in the Castle and the other to the east, close to the public stairs.

Lengthy negotiations and full consultations with all relevant parties which include Historic England, landowners, residents’ groups and St Mary in the Castle Arts Centre took place prior to the submission of this planning application.

Amended drawings were received in January 2022 showing the incorporation of two dropped kerbs to the scheme and shown on Existing and Proposed Plan drawing 1610_AL(0-)07F. Following this, the application was re-advertised, and new site notices posted.

The agent also submitted further justification in February 2022 addressing concerns raised by neighbours.

The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Additional Supporting Statement

Relevant planning history

HS/LB/21/00995 - Removal of the existing road surface and substrate in Pelham Crescent

down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description) - Pending consideration.

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 FA6 - Strategic Policy for The Seafront
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy EN1 - Built and Historic Environment
- 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
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions
- Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
- Policy HN2 - Changing Doors, Windows and Roofs in Conservation Area
- Policy HN3 - Demolition involving heritage assets
- Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
- Policy CQ1 - Cultural Quarter

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40 - C1 - Understand and relate well to the site, its local and wider context -

well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- a) the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- b) patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- c) the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- a) have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- b) are visually attractive, to delight their occupants and other users.

Paragraph 52 - Well-designed new development is influenced by:

- c) an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
 - the elements of a place or local places that make it distinctive; and
 - the features of the context that are particular to the area – see Context

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph 54 - Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

National Planning Policy Framework (NPPF)

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):-

a social objective – 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

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 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
- 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

5. Consultation comments

Conservation Officer – **No objection** subject to imposition of conditions relating to materials, and full details of the proposed York stone pillar and proposed signage (Conditions 4, 5 and 6).

Historic England – **No objection** to the proposed development as the proposed works reflect advice given to the applicant at pre-application stage and will result in a fully repaired Crescent with a secured future.

Nature Space – **No objection**.

Estates Manager – **No objection** to the application but raise a question as to how future access to Pelham Crescent will be managed and controlled so as to protect the improvements made. (There will be a Maintenance and Management Agreement between the external grant funders and the owners of the site to ensure effective management of Pelham Crescent. This will be secured via a S106 Legal Agreement if planning permission is given for the development).

ESCC Highways – **No objection** subject to an informative regarding a s171 Legal Agreement that is required in order to implement the works (Informative 3 and 4.)

Natural England – **No objection**.

6. Representations

In respect of this application 3 x site notices were displayed in front of the site along Pelham Crescent and Pelham Arcade and an advert placed in the local paper. 2 letters of objection and 1 letter of support were received.

The letters of objection raise the following concerns:-

- object to the proposed balustrade.
- they will have a harmful impact on views of the Grade II* Listed Building from all perspectives.
- this will cause visual clutter and it unnecessary and will be severely detrimental to the setting of the Listed buildings.
- there is no strong case for the balustrade in the submitted Design and Access Statement.
- why is a balustrade necessary now yet it has not been necessary throughout the life of this structure (over 200years).
- no further controls are needed.
- The balustrade will be easily climbed by anyone wishing to gain access to the parapet.
- A low-level post and chain fence would be more suitable.
- The proposed removable bollards at the entrance do not address the substantial risk present when the width of utility vehicles parked everyday at the eastern end of the crescent certainly breaching the 3 tonne safe limit for the sandstone arches below. This needs a permanent solution.
- The submitted Design and Access Statement makes no mention of access.
- How will the pavements be accessible to wheelchair users?
- The eastern stairs are frequently used as a toilet, waste bin and drug den and as such deterrents such as CCTV camera should be used.
- The surface treatment should deter graffiti.
- The existing bins currently have a negative visual impact.
- Cars should not be parked in the Crescent for safety reasons and visual amenity reasons.
- Access to the Crescent should be made clear and well managed.
- The submission makes no mention of environmental sustainability.
- There is an opportunity to provide secure cycle parking for residents of the Crescent.

The application is supported for the following reasons:-

- This is a better management of Pelham Crescent.
- The road and pavement will be resurfaced.
- The design is welcome and the commitment to protect the Arcade and roof structure is appreciated.

7. Determining issues

The main considerations are the principle of development, the impact of the proposed works on the character of the Old Town Conservation Area and the Grade II* Listed Building, impact on neighbour amenity, Highway matters, impact on Great Crested Newts and

Archaeological matters.

The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 Old Town Conservation Area and setting of nearby Listed Buildings

Policy HN1 of the Development Management Plan 2015 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas) states that:

‘Applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset:

- The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.
- Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.

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 National Planning Policy Framework (NPPF) seeks to protect designated heritage assets and the impacts proposed developments have on them. The NPPF states that the significance of the heritage asset can be harmed through development within its setting and great weight should be given to the asset’s conservation, and also advises that when less than substantial harm is made to the heritage asset, this harm should be weighed up against the public benefits of the proposal.

The application site lies within the Old Town Conservation Area. Pelham Crescent forms the access to the Pelham Crescent houses and the former church of St Mary in the Castle which are all listed as a group. The Pelham group of buildings are all Grade II* Listed and as a group are a highly significant designated heritage asset. Pelham Arcade is in a derelict condition and as such it is on the Historic England’s ‘Heritage At Risk’ Register. The 9th Century shopping Arcade which includes nos. 1-12, 12A and 12b Pelham Arcade are included within the Historic England’s ‘Heritage At Risk’ Register.

Continual water ingress from Pelham Crescent has caused significant condition issues which

alongside the degradation of the historic fabric has prevented use of the commercial spaces within the shops below hereby severely having a negative impact on the economic viability of the designated heritage asset. The stonework of the vaults is continually damp and there is green algae, mould and plant growth covering exposed stonework. There is evidence of extensive areas of mildew and algae growth as well as signs of visible leaks. Externally the carriageway, paths, kerbs and historic street furniture within Pelham Crescent are all in poor condition. Successive interventions and alterations in the past have resulted in a compromised street scene which functions poorly as a piece of public realm as well as detracting from the setting of the designated heritage assets of the Grade II* Listed Buildings and Old Town Conservation Area.

The proposed road works to Pelham Crescent will ensure the arcade is sufficiently waterproofed and will provide improved drainage to ensure surface water is removed efficiently from the area. The scheme also future proofs the Crescent through the provision of a new service channel to ensure the carriageway is not disturbed in the manner that created the existing condition. This would resolve the long term structural and condition issues caused by water ingress. As such, the works are considered to be highly beneficial to the significance of the designated heritage assets through physical repair, but more importantly, ensuring a sustainable future for the building by providing economically viable commercial spaces.

The proposed works to the public realm are considered to be largely restorative. The scheme seeks to reinstate the existing features, such as the York stone paving, the existing kerbs and the brick and York stone gullies. It is also proposed to restore the railings and the steps at the eastern end of Pelham Crescent, as well as existing bollards. It is also proposed to reinstate the York stone pillar positioned at the entrance to Pelham Crescent and supply traditional cast iron signage. It is considered that these works will have a beneficial impact on the significance of the designated heritage asset and the character and appearance of the Old Town Conservation Area.

The introduction of a resin bound gravel carriageway is considered to preserve the character of the streetscene, whilst creating a subtle difference with the existing adjacent highway, which aids in the traffic management of the Crescent. To reduce the vehicular loading onto the Arcade, it is proposed to erect six bollards, with the central three bollards being demountable across the carriageway of Pelham Crescent adjacent to the entrance. The proposed demountable bollards are polyurethane and will be fixed at the base. The new bollards will need to be removed by hand when necessary to allow vehicular access to the Crescent. It is considered that the proposed modern materials for the carriageway and the vehicular bollards will have a neutral impact on the significance and character of the designated heritage asset, as the materials will be visually cohesive with the traditional materials therefore preserving the character of the asset.

In addition, the scheme has also been amended to include two York stone dropped kerbs, one positioned outside the entrance to the church and one to the east of the Crescent to improve accessibility within the public realm. It is considered that the inclusion is a positive step to ensure ease of use for all, and due to the sympathetic nature of the siting, and the use of traditional materials, it is considered that there will be a neutral impact on the setting of the listed buildings and the character of the Conservation Area.

The existing parapet to the south side of Pelham Crescent, facing onto the seafront is low. The proposed waterproofing build-up, wearing coarse and falls will increase the height of the road surface by approximately 180mm at the parapet, thereby raising the road and subsequently lowering the relative height of the existing parapet to a dangerous level. The reduced parapet height represents a significantly increased risk of serious falls and given

this, new railings or a balustrade is proposed to be attached to the existing parapet wall of the arcade for health and safety purposes. The new guarding and parapet height combined will be approximately 1000mm high.

The proposed railings have been carefully designed and exhibit a simplified railing design that takes design cues from the existing balcony railings on the houses in Pelham Crescent. The proposed railings have been designed to replicate the circular motifs which are demonstrated within the railings of the townhouses. Whilst the railings will have some visual impact on the views of St Mary in the Castle and the townhouses from the south, it is considered that the visual impact that would be caused is minimal and that aesthetically the railings will sit comfortably within the context, whilst maintaining a sense of legibility that the railings are a modern insertion that would have a low level of harm to the Grade II* Listed Building, its setting and the Old Town Conservation Area.

Given the above it is considered that the principle of development is acceptable. A development as proposed will cause no harm to the designated heritage asset. The proposed development will repair the carriageway of Pelham Crescent and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner, and will bring into full use the redundant commercial spaces and will also have a positive impact on the street furniture. The Council's Conservation Team and English Heritage have both been consulted and they have no objection to the proposed development, and concur with this view and advise that the principle of the proposed scheme to remediate the water ingress through the provision of new waterproofing membranes, a new road surface with improved drainage and the repair and restoration to the historic street furniture and finishes is considered both desirable, and necessary to ensure the long-term conservation of the designated heritage assets. They further advise that the scheme has been sensitively designed and that it will have a highly beneficial impact on the significance of the designated heritage assets of Pelham Crescent and Pelham Arcade as Grade II* Listed Buildings and will provide significant improvements to the character and appearance of the Old Town Conservation Area. As such it is considered that a development as proposed complies with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that 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. This includes 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.

The proposed works which include the reconstruction of the surface on Pelham Crescent, various road improvements, renovations and alteration works and upgrades to the road, including the installation of and heritage style bollards, signs and dropped kerbs in Pelham Crescent would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and the available separation distances from residential properties. Given this, it is considered that the proposed development would be in compliance with NPPF policies and Policy DM3 of the Hastings Development Management Plan 2015.

d) Highway matters

Pelham Crescent is only accessible by foot and as a result only generates limited vehicle movements. Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, ESCC Highways advise that they do not consider that a development as proposed would prejudice the safety of users of the highway. However, they advise that the applicant will be required to enter into a s171 Legal Agreement (to excavate the highway under the Highways Act 1980) with East Sussex County Council if planning permission is given for this development and that such informatives should be attached to the decision if planning permission is given for the development (Informative 3 and 4).

e) Impact on Great Crested Newts

The development falls within the amber impact risk zone for Great Crested Newts. In the amber zone there is suitable habitat and a high likelihood of Great Crested Newts presence. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. The application is not accompanied by an Ecological Report. The habitat that is due to be affected by the proposed development appears to currently be hardstanding and as such is not considered to be suitable habitat for Great Crested Newts. Given this, and the limited connectivity to the nearby water body it is not considered that Great Crested Newts will be affected by the proposed development. As such there is no objection to the proposed development on this ground.

f) Archaeology Matters

The application site is located within an Archaeological Notification Area where Policy HN4 of the Development Management Plan 2015 requires development proposals to demonstrate that the particular archaeological interest of the site will be satisfactorily preserved either in situ or on record. Given that the application site is an access road from Breeds Place or Pelham Place which forms the roof of properties on Pelham Arcade, it is considered that the proposed works will not involve ground digging and as such no important archaeological remains are likely to be disturbed as a result of the proposed development.

g) Other matters

Neighbours have raised concerns regarding the application on various grounds. Following this the applicant submitted a supporting statement addressing neighbour concerns. The concern on the location of waste bins is noted, however, these waste bins are outside the application site and a development as proposed will not generate a need for waste bins. In regards to disabled access, the applicant advises that the new pavement will improve the quality and evenness of the surface and the road will be one level material in contrast to the existing poorly maintained uneven surface. As such there will be an improvement in accessibility within the application site. Turning to anti-social behaviour, the applicant advises that the application does not seek to close off the entrance to the stairwell to the east of the site as a measure to deter antisocial behaviour. However, the improvement and renovation of the area including repairs to the steps and railings, the proposed lighting, decoration and new finishes is a regeneration of the area which will increase public realm, pedestrian traffic and overall surveillance of the area and deter anti-social behaviour. In regard to environmental sustainability, the applicant advises that securing a viable future for these historic buildings is in its own right is sustainable development and in addition the scheme proposes use of sustainable materials.

In regard to future management of Pelham Crescent, the road at Pelham is in multiple ownership with the owners of Pelham Arcade sharing the ownership of the road. This road

forms the roof to their shop units. Hastings Borough Council is one of the owners of the Arcade and are making this application on behalf of all the Pelham Arcade owners. All property owners were consulted on the project prior to the submission of this planning application. Pelham Crescent will be managed by the various owners via a Maintenance and Management Agreement between external grant funders and various owners of the site thereby addressing the points raised by the Estates Manager in the consultation comments.

8. Conclusion

It is considered that a development as proposed will not cause harm to the designated heritage asset, will repair the carriageway of Pelham Crescent, and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner.

Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, the proposed development is not considered to have a harmful impact on highway safety.

The development falls within the amber impact risk zone for Great Crested Newts. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. Given this there is no objection to the development on this ground.

The concerns raised by neighbours are noted, in particular the concerns about the impact of the development on the appearance and character of the Conservation Area and the group of Grade II* Listed Buildings, disabled access issues, and concerns raised regarding anti-social behaviour, and the visual impact of existing storage bins. These matters have been carefully assessed within this report and Planning Officers are of the opinion that the proposed development will not cause harm to any of these matters.

As such 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.

9. Recommendation

That the Planning Services Manager should be authorised to issue planning permission, subject to the conditions listed below.

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:

H5602-03J
1610AL(0-)03C
1610AL(0-)04C
1610AL(0-)05D
1610AL(0-)06A
1610AL(0-)07F

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. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

5. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

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 visual amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual 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. This Authority's requirements associated with this development proposal will need to be secured through a s171 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
5. 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, 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

Officer to Contact

Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/21/00994 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	17 May 2023
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 04/04/2023 to 02/05/2023
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
29-31 Courthouse Street, Hastings, TN34 3BA HS/FA/22/00804	Construction of new 2 bedroomed - 3 person house and car park space	REFUSED PERMISSION	DELEGATED	Planning

The following appeals have been allowed:

None

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
129 Parker Road, Hastings, TN34 3TP HS/FA/21/01130	Retrospective permission for two storey rear extension and dormer with Juliette balcony. Construction of retaining walls with gabion cages.	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	52
Raise Objections	1
Refused Permission	4
Withdrawn by Applicant	5
Total	62

Report written by
Sam Townshend– Tel: (01424) 783264
Email: planning@hastings.gov.uk