

Report to: PLANNING COMMITTEE
Date of Meeting: 12 September 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: 6-8 Pelham Arcade, Pelham Place, Hastings, TN34 3AE
Proposal: Replacement of lead guttering with new zinc guttering to match the existing zinc roof covering.
Application No: HS/LB/18/00391

Recommendation: Grant Listed Building Consent

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

Applicant: Hastings Borough Council per Baker Architectural Services 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Affects a Listed Building
Letters of Objection: 0
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated -
Application on Council owned land.

1. Site and Surrounding Area

The application site relates to 6-8 Pelham Arcade, St Mary in the Castle is a Grade II* Listed Building that is built in Neoclassical Style. The application site forms part of the Pelham Arcade which forms a group of Grade II* Listed Buildings, which have been divided into a number of commercial units. Pelham Arcade occupies a prominent position on the seafront within the Old Town Conservation Area designation. It was designed as a semi-subterranean arcade of shops, built by John Kay during 1824-28, for Thomas Pelham, 2nd Earl of

Chichester in 1823-5, the first phase of the Pelham scheme. This Listed Building now retains the St Mary in the Castle Café, which since 2015 has operated as an art and music venue and exhibition space. Set behind Pelham Arcade on a higher level runs Pelham Crescent with St Mary in the Castle, Pelham Crescent consists of a group of substantial residential properties positioned either side of St Mary in the Castle all of which are also Grade II* Listed Buildings.

Listing

Purpose built shopping arcade. Built 1824-28 by John Kay and part of a planned layout including Pelham Crescent and the Church of St Mary's in the Castle (qv). This scheme also originally included seawater baths and a bazaar where musical entertainments took place. Arcade of shops stuccoed with deep cornice. No 12 was altered c1870 and has an elaborate bracket cornice and 2 arches on 3 polished granite columns. Arched interior. To the left of this is a tapering section of wall with circular pier. The other shops have C20 shopfronts. Between the pen-ultimate and end shop to the right is a round-headed rusticated pedestrian entrance and flight of steps with iron handrail leading to Pelham Crescent. Behind the arcade is a 1-storey stuccoed building with shallow pediment with central scrolled motif and truncated doorway with pediment and stylized acroteria. Series of curbing stones.

Constraints

Grade 2* Listed Building
Old Town Conservation Area SSSI Impact Risk Zone
Hastings Borough Council Owned Land
Archaeological Notification Area
Historic England Heritage at Risk Register
Consultation Draft Hastings Central CAA

2. Proposed development

The application is seeking listed building consent for the removal and replacement of the existing lead guttering with zinc guttering, which will match the zinc roof of the building. The zinc guttering is to be laid on timber boarding with ventilation space, breather membrane and mineral wool insulation between timber joists. The existing fall and step layout of the roof is to remain the same. No other form of development is proposed.

The lead guttering has been stolen from the building on multiple occasions. The proposed works are necessary in order to prevent further lead thefts from the building's roof and to protect this important Listed Building.

The application is supported by the following documents:

- Design and access/heritage statement

Relevant Planning History

HS/FA/12/00566 Variation of condition 2 of planning permission HS/FA/11/00660.
Permission with conditions on 04/01/13
HS/LB/12/00563 Replacement shopfront and roof lantern alterations.
Listed Building Consent with Conditions on 04/01/13

- HS/FA/12/00849 Variation of condition 2 of Planning Permission HS/FA/11/00660 - Minor material amendment showing changes to front elevation and other changes taking account of construction details discovered at Pelham Arcade.
Permission with conditions on 17/12/12
- HS/LB/11/00661 Restoration of existing roof lantern and replacement of modern roof coverings with zinc and glass, removal of modern shop fronts and replacement with traditional timber shopfronts and rusticated arches to replicate the 19th century detailing.(Application HS/FA/11/00660 also applies).
Listed Building Consent with Conditions on 11/11/11
- HS/FA/11/00660 Restoration of existing roof lantern and replacement of modern roof coverings with zinc and glass, removal of modern shop fronts and replacement with traditional timber shopfronts and rusticated arches to replicate the 19th century detailing.(Application HS/LB/11/00661 also applies).
Permission with conditions on 10/11/11
- HS/FA/09/00480 External works to include the replacement of all joinery to 3 no. arches in shop front to 6-8 Pelham Arcade, new glazed rooflight above cafe at 6-8 Pelham Arcade and new thermal solar and photovoltaic panels installed to existing roof of St. Mary building. Expansion of existing authorised non-residential institution use (Class D1) to include Concert Hall use (Class D2) and performance hall/theatrical use (sui generis).
Permission with conditions on 04/03/10
- HS/FA/94/00673 Demolition of facade, rebuilding of rooflight and arches and installation of new shopfront (APPLICATION HS/LB/94/0674 ALSO APPLIES).
Permission with conditions on 24/08/95
- HS/LB/94/00674 Demolition of facade, rebuilding of rooflight and arches and installation of new shopfront (APPLICATION HS/FA/94/0673 ALSO APPLIES).
Listed Building Consent with Conditions on 24/08/95

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

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

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

Policy HN2 - Changing Doors, Windows and Roofs in a Conservation Area

Other Policies/Guidance

Supplementary Planning Document 1 - Roof Materials for Listed Buildings and Conservation Areas

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 184

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 189

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.

Paragraph 193

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.

3. Consultations comments

Conservation Officer - No Objection subject to conditions

This application for listed building consent follows on from on-going discussions between Historic England's Heritage at Risk architect, Sussex Police's Heritage Crime Officer and the Council.

The properties at Pelham Arcade are all Grade II* listed and form a key element in the Pelham group of buildings, one of the most impressive architectural set pieces on the south coast of England. The Arcade buildings have suffered from a lack of investment over a number of decades and they are now on the national Heritage at Risk Register.

The properties at Pelham Arcade have been undergoing grant-aided restoration since 2011. The grants are being jointly funded between the Council and Historic England under a Heritage at Risk project.

The property at 6-8 Pelham Arcade has benefited from a grant and has now been fully restored. The grant-aided restoration works have included the reinstatement of the timber and glazed roof lantern, which is surrounded by a lead covered parapet gutter. This is the traditional form of detailing for such a parapet gutter and the lead is very effective at preventing water ingress into the lantern roof structure and the retail unit below. Unfortunately, the gutter sits at ground level within Pelham Crescent, and the parapet walls

surrounding it are only knee-high. This means that the lead gutter has been very susceptible to lead theft. Since the completion of works to four of the properties in Pelham Arcade, there have been numerous attempts to steal the lead, and some of the properties have been targeted multiple times. Normally we would expect materials on listed buildings to be repaired “like for like”, However, where the original material is being repeatedly stolen, following repair, this no longer seems to be a reasonable approach.

If the lead in the gutter is stolen, it could take some to affect a permanent repair, and this makes the building vulnerable to water damage, which could do long-term harm and undermine the achievements of the recent restoration work.

Advice has been sought from Sussex Police and Historic England regarding ways to protect the lead (eg. labelling so that the lead is uniquely traceable using products such as “Smart Water”) but none of these initiatives seem to have deterred the very determined thieves, or overcome the issues of the very easy access to the lead at Pelham Arcade.

Regrettably, we have now come to the conclusion that the use of lead in these gutters is unlikely to survive in the long-term. Historic England has accepted that it may be necessary to replace lead with an alternative hard metal cladding, such as stainless steel, copper or zinc, where it is repeatedly vulnerable to theft. It is generally held that zinc is an acceptable replacement metal cladding for gutters. Zinc is generally less attractive to thieves, as it is less malleable than lead, and thus more difficult to remove quickly. The proposed zinc cladding will follow the same profiles as the existing lead. The zinc gutters will also match in with the zinc cladding that has already been used for cladding the main roof areas and lozenges on the restored lantern roof structure.

Recommendation

The works are necessary to prevent water ingress and to secure the long-term maintenance of the building. Zinc is considered to be an appropriate replacement metal cladding material. The proposals accord with the guidance in Historic England’s advice note Metal Theft from Historic Buildings July 2017. The proposals also meet the conservation requirements of the NPPF and the requirements of local plan policies EN1, HN1 and HN2 in respect of the need to conserve heritage assets.

Historic England - Do not wish to comment

On the basis of the information available to date, Historic England have advised that they do not wish to offer any comments and suggest that the Council seeks the views of your specialist conservation adviser.

Estates - Do not wish to comment

Estates have advised that they are the applicant and as such they note it would not be appropriate for them to comment.

County Archaeologist - No objection

This application is situated within an Archaeological Notification Area, however based on the information supplied it is considered unlikely that any significant archaeological remains would be affected by these proposals.

4. Representations

A site notice was erected outside the application site and an advert placed in the local newspaper, allowing members of the public to comment on the proposal. No representations have been received.

5. Determining Issues

In determining listed building applications consideration needs to be given to matters of heritage. 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.

a) Heritage

As stated in policy EN1 of the Hastings Local Plan, although significant progress has been made in terms of improving building condition, the historic environment is still vulnerable to loss and inappropriate change. It is critical that these special historic buildings and areas are protected, now and in the future. Active management of our historic environment will be required, to ensure that its significance is protected, enabling future generations the opportunity to experience and enjoy these special places.

The lead guttering is easily accessed from this building, as such the building is vulnerable to lead thefts. As a result the lead guttering has been stolen from the building on multiple occasions, the proposed replacement of the existing lead guttering with new zinc guttering is considered necessary in order to lessen the possibility of further lead thefts, which will protect the historic fabric of the building from further weathering and damage and will help conserve this important listed building. As stated in Historic England's Metal Theft from Historic Buildings (2017) guidance, where the risk of further theft is too high, for example where there has been a serious theft, or repeated minor attacks, it is not reasonable to expect like-for like replacement. We would normally recommend that the most appropriate alternative would be a long- term durable material with a known standard of performance, such as terne-coated stainless steel, zinc, slates or tiles.

The proposed use of zinc is considered to be a durable, authentic and appropriate material which will match the zinc roof covering of the building. The zinc guttering will maintain the existing fall and step layout of the roof. The works will affect the existing roof and the northern elevation with the proposed guttering to sit behind the existing parapet wall to the front. As such, when viewed from the front (south) elevation along Pelham Place, no changes will be visible from key viewpoints.

The Conservation Officer has been out on site and raises no objection subject to the attached conditions which are to ensure the protection of this heritage asset. Therefore, the replacement of the lead guttering with zinc guttering is considered to be a sympathetic and sensitive to the setting, which will not detract from the architectural significance of the building and the surrounding area and is considered acceptable in this instance.

b) 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

Taking the above into account, the removal and replacement of the existing lead guttering with zinc guttering, is considered necessary which will be sympathetic to the character and

appearance of the Listed Building and its setting, in which the zinc guttering will match the existing zinc roof. The lead has been stolen on multiple occasions, this will prevent the theft of the lead guttering which is ultimately harming this Listed Building. The proposal will therefore not cause harm to the significance of this heritage asset. The Conservation Officer raises no objection to the proposal subject to the attached conditions. The proposal meets the requirements of the Supplementary Planning Document 1: Roof Materials for Listed Buildings and Conservation Areas and the relevant sections of the Hastings Local Plan and The National Planning. Therefore, this application is recommended for approval.

These proposals comply with the development plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

7. Recommendation

Grant Listed Building Consent subject to the following conditions:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

BA1829.01D, BA1829.02A, BA1829.03A, BA1829.04C, BA1829.05 and BA1829.06
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 commencement of works, a methodology statement shall be submitted to and approved in writing by the Local Planning Authority to explain how the existing lead is to be removed and then how the new zinc clad guttering is to be installed. The statement shall cover how the roof lantern glazing will be removed and replaced to enable the works. Development shall be carried out in accordance with the approved methodology statement.
5. Prior to commencement of works, drawn details shall be submitted to and approved in writing by the Local Planning Authority of the junction treatment between the new zinc clad guttering and the lead guttering either side. The details shall be 1:5 cross sections and plan drawings showing the junction treatment. Development shall be carried out in accordance with the approved details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To ensure the architectural and historic character of this Grade II* Listed Building is adequately protected.
5. To ensure the architectural and historic character of this Grade II* Listed Building is adequately protected, and to ensure water from the gutter along the terrace is drained properly.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

National Planning Policy Framework Section 12 applies. The works proposed will not harm the designated heritage asset.

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/LB/18/00391 including all letters and documents