

Report to: PLANNING COMMITTEE
Date of Meeting: 07 November 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: White Rock Fountain,(Seafront), Hastings, TN34 1JL
Proposal: Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area.
Application No: HS/FA/18/00453

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: Yes - White Rock
Listed Building: No

Applicant: Hastings Borough Council on behalf of the Foreshore Trust per Saville Jones Consultants Ltd
74 Victoria Road Worthing West Sussex BN11 1UN

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
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 - Council application on behalf of the Foreshore Trust

1. Site and Surrounding Area

The White Rock fountain is located directly on the main promenade on Hastings Seafront, just west of Hastings Pier. The fountain is a short distance from the town centre, and forms the roof of the Source Park, a skate park located in the former White Rock Baths below the promenade. Its location on the seafront between the town centre and Hastings Pier means that it forms a key feature of the public realm, easily visible and accessible by pedestrians along the seafront.

The White Rock Fountain was created in 1987 after several roof forms covered the main swimming pool of the former White Rock Baths. The fountain was in use for several years but was decommissioned due to excessive water use and running costs.

Relevant site constraints

- Hastings Historic Core Archaeological Notification Area (ANA)
- Flood zones 2 and 3
- Sited close to several listed buildings - namely Hastings Pier, seafront shelter opposite White Rock Pavilion, the Boar War memorial adjacent to the pier, 16-24 White Rock and Palace Court, White Rock.

The application site is also located within the White Rock Conservation Area, and the White Rock and America Ground Cultural Quarter, as identified in the Hastings Development Management Plan 2015.

2. Proposed development

This is a full planning application for the renovation and alteration of the existing fountain, together with the installation of bench seating, a paved area, planting, and water misters. The intention of the proposal is to significantly enhance the public realm on this well used section of promenade.

The application drawings illustrate how the site is to be set out and landscaped. The central fountain area will have the theme of the exploded Hastings rock, which will be animated by a mister jet that will add a sense of theatre and play to the experience. The white rocks symbolise the White Rock headland, blown apart by a central jet of water and its fragmented rocks, enveloped by the "sea mist". The rocks will have the words "White Rock Hastings" carved into the surface, "sign-posting" the location and reinforcing the sense of place. Whilst the water misters will be available for children to play in, it is important to note that their purpose is not just for children's play, but to provide a modern and well needed improvement to the public realm in this location.

This central space will be made accessible with ramps and have enough bench seating to provide an attractive rest area. Replacement and new planting within the former water tank area will have a more coastal theme and be naturalistic in form, also providing biodiversity benefits.

The application is supported by the following documents:

- Heritage Statement
- Design and Access Statement
- Site Waste Management Plan

Relevant Planning History

- | | |
|----------------|--|
| HS/FA/12/00132 | Change of use and alterations to promenade level building and part of lower level to cycle hire shop, café and ancillary use (Source Park).
Approved April 2012 |
| HS/13/00432 | Change of use from D2 to D1 (Seafront Community Showroom).
Approved August 2013 |

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

FA2 - Strategic Policy for Central Area

FA6 - Strategic Policy for The Seafront

SC1 - Overall Strategy for Managing Change in a Sustainable Way

EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications

DM1 - Design Principles

DM3 - General Amenity

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

HN4 - Development Affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

CQ1 - Cultural Quarters

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.

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 127 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 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

Hastings Borough Council (Conservation) - no objection subject to conditions

The application was assessed in the context of its impact on the setting of the nearby listed buildings and the significance and setting of the conservation area. Conditions were recommended to ensure build quality.

Hastings Borough Council (Estates) - no comment

Estates had no comments to make on the application to either support or object.

Hastings Borough Council (Amenities, Parks and Open Spaces) - no comment

No comments were received following consultation

Hastings Borough Council (Major Projects) - no comment

As the manager responsible for the project it was acknowledged that it would not be appropriate to submit formal comments

Hastings Borough Council (Marketing) - no comment

No comments were received following consultation

Environment Agency - no comment

No comments were received following consultation

Foreshore Trust - no comment

No comments were received following consultation

4. Representations

No comments were received following the display of a site notice.

5. Determining Issues

The main issue to consider as part of this application relates to the potential loss of historic fabric, and the overall impact on the significance and setting of the White Rock conservation area and nearby listed buildings. The contribution to the public realm and the impact of the proposal on strengthening the town's cultural quarters, together with meeting tourism objectives, are also key considerations.

a) Principle

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

b) Impact on character and appearance of area, and the White Rock Conservation Area

The proposal seeks to re-model the existing fountain structure and re-purpose it as a modern seaside attraction.

The existing arrangement of the fountain sits fairly low in the context of the promenade and fits in with the general character of this part of the seafront. Whilst a different arrangement is proposed, the new development will still maintain a significant part of the original structure. The fountain and seating area will remain low lying, and as such, will not obstruct views along the open seafront. Similarly, this low lying nature of the development will not impede on the setting of the nearby listed buildings. The proposal therefore accords with Policy EN1 of the Hastings Planning Strategy 2014, and HN1 of the Development Management Plan 2015, in that it makes a positive contribution to the quality, character and sense of place, and does not harm the significance and setting of the surrounding conservation areas, or nearby listed buildings.

Given the prominent location of the fountain directly on the promenade between the Pier and the town centre, it is important however, to ensure that the proposals are executed with good quality detail, materials and finishes. Suggested pre-commencement conditions (4 & 5) have been discussed with the applicant, who has agreed to their inclusion, should permission be granted.

c) Layout

The scheme proposes a significant amount of planting within the site area, with the paved area and misters located centrally. Amendments to the scheme were proposed to increase the amount of planting, and remove the grilles originally proposed covering the roof lights to the source park below. These were no longer needed given the arrangement of planting around them. The seating has also been simplified in line with the amended paved area. These changes complement the new area and are not considered harmful in terms of the site's layout. The design, massing and layout of the proposed development is therefore acceptable and accords with the requirements of Policy DM1 of the Development Management Plan in that it achieves a good standard of design, which protects and enhances local character.

d) Impact on neighbouring residential amenities

There are no residential properties on this side of the promenade. The A259 separates the promenade from the commercial area opposite, which includes some residential properties on the upper floors.

Given the nature of this area as a prominent tourist location, the proposed seating, planting and water mist area are unlikely to cause additional harm to any residential occupiers in terms of noise or other disturbance when compared to the current situation. The road separating the site from these properties provides ample distance to ensure any potential disturbance from tourist activity is minimised. Therefore, the proposal is considered acceptable in terms of its impact on residential amenity, in accordance with Policy DM3 of the Development Management Plan.

e) Cultural quarters and objectives for the Seafront

Cultural quarters are set out in the Development Management Plan 2015 as areas where the Council wish to support and develop cultural activities and infrastructure, to help the local economy and enhance well-being for the community at large, as well as the town's visitors. The proposed works to this area are fully complementary to this approach in that they provide a significant improvement to the public realm, to the benefit of visitors to the area. The proposals also support the aims of Policy FA6 of the Planning Strategy, in that they are implementing improvements to the seafront, working towards the regeneration of key landmark sites along the seafront, from the Stade to West Marina, supporting development that builds on the Seafront's distinctive heritage and attractiveness as a destination for

leisure and recreational activity.

f) Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area of Conservation (SAC)

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* - aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and the emerging Area Action Plan and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

g) Site constraints

Given that the works are taking place above ground level, the sites location within an Archaeological Notification Area and flood zones 2 and 3 do not warrant further consideration as part of this application. No further action is required.

h) Other

The proposed development will not impact on the access to the public footpath or White Rock Road. The new seating area will be fully accessible and will provide an attractive resting area for all. The design has ensured the rock and spray feature are set back within the main body of the old fountain and do not represent a trip hazard to passing pedestrians.

Quality materials and planting will be utilised in the scheme, the use of tactile paving to alert all users of access to the space and of the protruding benches will be conditioned (no 3). The electric elements and control panels will be located within a locked area to the rear of the seating area.

6. Evidence of Community Involvement

The applicant engaged the local community by way of a public exhibition at The Pier, White Rock Hotel and Hastings Borough Council website. This dialogue with the local community has helped inform the planning application and scheme design and the comments were included in the Design and Access Statement.

7. Conclusion

The proposed works to the existing fountain area will make significant improvements to the public realm, contributing positively to sense of place and local distinctiveness. The works are sensitive to the significance and setting of the surrounding conservation area and nearby listed building, and are not considered to negatively affect the residential amenities of nearby occupiers.

These proposals therefore 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.

8. Recommendation

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:

1721 SK18H, 1721 SK20A

3. No development shall commence until the following samples of materials have been submitted to and approved in writing by the Local Planning Authority:

- Timber for the seating
- Paving stones
- Tactile paving
- Stone for the white rock feature

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

4. No development shall commence until the following details (to include architects or manufacturers details where relevant) have been submitted to and approved in writing by the Local Planning Authority:

- The central white rock feature
- Proposed new seating
- Drinking fountain
- Lighting units
- Mister jet units

The details should cover the size, detailed appearance of materials, finishes and fixings.

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. 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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the character and amenity of the White Rock Conservation Area.
4. In the interests of the character and amenity of the White Rock Conservation Area.
5. To ensure a satisfactory form of development in the interests of the visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The Health and Safety at Work Etc. Act 1974 will apply.

Officer to Contact

Mrs S Wood, Telephone 01424 01424 783329

Background Papers

Application No: HS/FA/18/00453 including all letters and documents