

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 06 March 2019

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

**Application Address:** Hastings Pier, White Rock, Hastings, TN34 1JY

**Proposal:** Erection of five kiosks for retail use for a period of 5 years (part retrospective)

**Application No:** HS/FA/18/00900

**Recommendation:** Grant Full Planning Permission

Ward: CASTLE 2018  
Conservation Area: Yes - Eversfield Place  
Listed Building: No

Applicant: Lions Group per Lord Mclean

**Public Consultation**

Site Notice: Yes  
Press Advertisement: Yes - Affects a Listed Building Amended Plans  
Letters of Objection: 72  
Petitions of Objection Received: 1  
Letters of Support: 7  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - Petition received

## 1. Site and surrounding area

The site comprises of the main front section of Hastings Pier, a Grade 2 listed structure located on Hastings Beach off White Rock.

The pier was built by Laidlaw & Son of Glasgow in 1871 and designed by Eugenius Birch. It is made of cast iron columns on screw piles, with a lattice girder framework supporting a wooden deck. It was later widened and the modern superstructure includes various single storey structures. The pier was recently re-built following fire damage funded mainly by the Heritage Lottery Fund.

The Pier at present currently hosts the Pavilion building and the visitor centre with cafe above, together with a series of small painted sheds which are used for retail purposes. It also included large open spaces, notably more than the extent of the structures on the Pier prior to the 2010 fire.

### Constraints

- Within the Eversfield Place Conservation Area
- Grade 2 listed structure
- Asset of Community Value
- SSSI Impact Risk Zone
- Within a Business Improvement District
- Archaeological Notification Area
- Dungeness, Romney Marsh & Rye Bay Marine Special Protection Area
- Recommended Marine Conservation Zone - Beachy Head East

## **2. Proposed development**

For the siting of 5No. temporary single storey, timber kiosks in the form of contemporary log cabins for retail use for a period of 5 years. One kiosk is already in place near the entrance to the pier.

Shed type 1 measures 6m x 10m, extending to 2.6m in height at the ridge of the pitch roof. Shed type 2 measures 5m x 5m and is slightly lower in height, also 2.6m in height.

4 of the larger sheds are proposed, and 1 of the smaller sheds. 3 of the larger sheds are sited towards the eastern boundary of the Pier at its northern end. The remaining larger shed will be located to the west of the entrance, closest to the promenade. The smaller shed will sit centrally between this, and the other large shed adjacent to the eastern boundary, close to the Pier entrance. The sheds are made of wood with timber framed windows.

The application is supported by the following documents:

- Heritage Statement

### **Relevant planning history**

HS/LB/11/00342 Undertake essential structural repairs to the pier structure, remove debris and fire damaged building remnants from above deck and other works.

Granted 08/08/2011

HS/FA/11/00341 Undertake essential structural repairs to the pier structure, remove debris and fire damaged building remnants from above deck and other works.

Granted 08/08/2011

HS/LB/13/00783 Construction of a new visitor centre on Hastings pier for a digital archive, heritage interpretation and multifunctional education/communal space.

Granted 02/12/2013

- HS/FA/13/00782 Construction of a new visitor centre on Hastings pier for a digital archive, heritage interpretation and multifunctional education/communal space.  
Granted 02/12/2013
- HS/LB/13/00929 Replacement of pier trusses in the area of cambered deck with new trusses that will have horizontal top chords to create a level deck.  
Granted 10/01/2014
- HS/FA/13/00928 Replacement of pier trusses in the area of cambered deck with new trusses that will have horizontal top chords to create a level deck.  
Granted 10/01/2014
- HS/LB/14/00129 Replace remaining and fire damaged deck boards with a thicker and wider hardwood board.  
Granted 15/08/2014
- HS/FA/14/00211 Replace remaining and fire damaged deck boards with a thicker and wider hardwood board.  
Granted 15/08/2014
- HS/LB/15/01025 Installation of temporary trading kiosks.  
Granted 12/01/2016
- HS/LB/15/01023 Installation of two containers (temporary) and timber boarded refuse enclosure.  
Refused 12/01/2016
- HS/LB/16/00401 Variation of conditions 2, 3 & 6 of HS/LB/13/00783.  
Granted 27/05/2016
- HS/FA/16/00400 Variation of conditions 2, 3 & 6 of HS/FA/13/00782.  
Granted 10/06/2016
- HS/LB/17/00201 Installation of a Wave Radar antenna on the south west elevation of Hastings pier in connection with coastal monitoring (Retrospective).  
Granted 19/07/2017

### **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 SC2 - Design and Access Statements

Policy EN1 - Built and Historic Environment

Policy E4 - Tourism and Visitors

#### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy CQ1- Cultural Quarters

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)

## 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.

Paragraph 189 (of Section 16. "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 190 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 192 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 193 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 194 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 196 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 200 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 202 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 - **No objection** subject to conditions.

Environmental Health - **No objection** subject to a condition and informative notes.

Historic England - **No objection** subject to Conservation Officer comments.

Hastings Borough Council (HBC) Estates- **No comments**

Hastings Borough Council were also served notice as part of the application and had no specific comments to make

Marketing and Major Projects Manager- **No objection** - supports application

Natural England - **No objection**

### **4. Representations**

95 letters of representation have been received as a result of community consultation, from 80 different people/organisations. 7 of the 95 letters of representation were supportive of the application, 1 general comment was received, and 1 petition (signed by 79 people) was submitted.

In summary, the letters of objection raise the following concerns:

- The sheds are out of keeping with the appearance of the Pavilion and visitor centre
- Insufficient drainage to accommodate use
- Concern over illumination of the sheds
- Sheds already unauthorised on site
- Lack of detail submitted with the planning application
- Other kiosks are currently underused, don't need more
- The sheds will block views towards the Pier/around the Pier
- Will harm the visual appearance of the entrance to the Pier
- Sheds too big for the space
- Proposal will negatively affect the setting of listed structures
- Does not fit with the vision for the Pier or in respect of the Stirling prize
- Need maintenance

- Would obstruct views to the pavilion
- No areas to store or aid collection of waste
- Random layout of sheds, doesn't contribute to sense of place
- Materials are inappropriate
- No details of electricity or water supply

The petition is based around the following concerns:

- The proposal will cause harm to the Grade II Listed heritage asset through material impacts of fixings and utilities
- Harm will be caused to the significance and setting of Hastings Pier
- Harm to heritage assets should be adequately justified, and this application is insufficient in that respect
- Proposal does not demonstrate that it is in keeping with the historic context, scale, layout, massing, materials and finishes required by Policy HN1 of the Development Management Plan

The letters of support make the following comments:

- Proposal will help with income generation
- Huts enhance the character and appearance of the conservation area
- Works will increase footfall and commercial activity
- Proposal represents positive change
- No damage will be caused by the sheds

## 5. Determining issues

The main issues to be considered in the assessment of this application are as follows:

- Principle
- Proposed Use
- Impact on the character and appearance of the conservation area, and listed structures including the Grade II Listed Pier
- Screening under habitat regulations

### 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 (2015) in this respect and acceptable in principle subject to other local plan policies.

### b) Proposed Use

Since rebuild and renovation, Hastings Pier has struggled to be financially viable. This is discussed in more detail in section c). Whilst on their own the temporary sheds will not make the Pier financially viable they may help in this aim. The Pier is a visitor attraction and development which is acceptable under other planning policies which will act as an attraction is welcome and supported by Policy CQ1 "Cultural Quarters" of the Development Management Plan (DMP). This policy aims to encourage development which will assist the further expansion of the area's role as a centre for cultural and related leisure and business activities and potential to enhance their attraction to visitors. A1 (retail) use units are likely to increase footfall on the Pier which already has some similar uses. The site is essentially an edge of town location and as such, whilst town centre uses such as this should primarily and in the first instance be located in the town centre, the edge of centre is a secondary option.

The retail use is in no way considered to divert potential customers away from, or undermine the vitality and viability of the town centre because a) the floorspace offered is relatively small and not therefore of a size to compete with town centre retail, and b) visitors will already be on the Pier. Therefore, whilst the retail use is not in a designated shopping location, in this instance and noting Local Plan policies to support tourism activities (Planning Strategy Policy E4), this application is considered acceptable in this respect.

#### c) Impact on heritage assets

##### Eversfield Place Conservation Area

The sheds are to be modest in size, using appropriate materials and are considered to have a minor impact on the setting of the adjacent 1930s style, Grade II listed seafront shelter that sits to the immediate north of the Pier's entrance. It is also considered that given their size and location that they will have a minor impact on the nearby Grade II listed Boer War Memorial, located on the promenade to the east of the Pier.

Concern has been raised from objectors that there is insufficient information submitted with the application to be able to determine its impact on the character and appearance of the area, and the setting of the designated heritage assets to which it relates. It is considered however, that there will be limited views of the structures from the west as they will be mostly blocked by the existing cafe pavilion building. When viewed from the east, the sheds will sit below the roof level of the pavilion and not adversely affect its silhouette. In terms of materials and finishes, suggested condition 4 requires details to be submitted prior to use that agree the method for fixing the structures to the Pier, decoration for the new sheds, external cladding and details of maintenance. Condition 5 will also ensure that window frames that are used are timber.

Taking the above into account, the Conservation Officer has no objections to the application and commented that following the submission of amended plans, the location of the sheds on the northern end of the Pier is much more acceptable than the original proposal, and that the amount of harm that will be caused to the designated heritage assets to be minimal, and could not form a basis for refusal of permission. The development is therefore considered on balance, to be acceptable and in accordance with Hastings Local Plan policies EN1, HN1 and section 16 of the National Planning Policy Framework.

##### Impact on the Pier as a listed structure

The Pier, located within the sea, is subject to extreme weather conditions that cause accelerated deterioration to the structure. The previous owner of the Pier, Hastings Pier Charity (HPC) indicated that the cost of maintenance, at the time they owned it, was approximately £100,000 per annum. Whilst there is no data to confirm this actual amount, what is clear is that a large sum of money will be required each year to maintain this structure and prevent it from becoming structurally unsound and falling into disrepair. It is clear therefore that any owner of the Pier, either now, or in the future, will need to formulate and implement business activities on the Pier that will generate sufficient revenue from which its maintenance can be funded.

The continued maintenance of the Pier has substantial weight in planning terms because it is an iconic part of Hastings town, playing an important part in its history and within the hearts of Hastings residents. In addition, the Pier is visually prominent, therefore if it declines, it will be a visual blight to the town, which could potentially affect future inward investment and the town's tourism function.

The need for maintenance of the Pier is weighed against the visual impact of the 5 kiosks for retail use. Section 2 of this report 'proposed development' sets out the size of the sheds, their position and the materials proposed to be used. The kiosks are small relative to the floor area of the Pier, and the size of other buildings on it. There is ample space around each of the kiosks and their overall height will be subservient to the heights of the visitor centre or the pavilion. The general materials are appropriate to this location and the application proposes these units would be present for 5 years, although it is noted that this could potentially be extended. This recommendation does not therefore, rest on the fact that only 5 years are proposed.

The kiosks would be clearly visible both on the Pier and when viewing the Pier from a distance. They would be viewed in the context of the structures around them on the Pier. It is not considered that the sheds would harmfully affect the intrinsic qualities of the Pier.

Historic England's description of the Pier's listed status is short and states '1869-71 built by Laidlow and Son, of Glasgow. Designed by Eugenius Birch 1818-84, engineer. Cast iron columns on screw piles, with a lattice girder framework supporting a wooden deck. It has since been widened and the modern superstructure includes covered walkways and amusement arcades'.

Clearly the essence of the listing refers to its support columns and associated framework. The listing acknowledges the walkways, buildings and their uses above. The support columns and girder were not destroyed by the fire, they remained and were strengthened where weak, in the repair of the Pier. Additional support columns were added, including those beneath the new visitor centre to strengthen the Pier and accommodate the weight of the buildings above. The Pier was not noted for a sense of space, albeit that the walkways did allow for the public to walk around the Pier and view the surrounding coastline.

The columns, girders and ability to walk around the Pier will not be affected by this scheme. A recent award (The Stirling Prize), given to Hastings Pier by the Royal Institute of British Architects in 2017, noted that its sense of space assisted in lending the Pier a sense of calmness and delight, setting it apart from other Piers. Nevertheless, this is clearly not why the structure was listed nor does it form part of its intrinsic quality, as far as its listed status is concerned. Moreover the award does not consider in its assessment the future maintenance and hence 'life' or longevity of the Pier. Therefore, whilst the award is gratefully received, it can only be given little weight in the consideration of this application.

Historically, Hastings Pier supported a larger number of more substantial buildings and realistically, in order for the Pier to be maintained, it is likely that it will need to accommodate more business generating activity. In this instance, the proposed buildings are not, on balance, considered to harm the character of the Conservation Area, nearby listed buildings or the Pier as a listed building. As such, the application is in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

d) Structural stability

Concerns have been raised that the structural stability of the Pier will be affected by the kiosks and associated additional footfall. The kiosks in themselves are not considered to be substantial structures that would be likely to create such a weight that could affect the structural integrity of the Pier. Nevertheless the agents have confirmed in writing that the Pier can accommodate the weight/footfall arising from this development. This is accepted given the nature of the development and the application is therefore considered acceptable in this respect.

#### e) Waste storage

The applicant has confirmed that waste is collected from the Pier 3 times per week (when open) for glass, cardboard and general waste. There are also 11 litter bins available on the Pier itself. This collection schedule, taken together with the availability of bins across the Pier, and the restriction in condition 6 to ensure waste is stored inside the proposed kiosks, will help to ensure that adequate provision is in place for waste storage and collection, a concern raised by various objectors.

#### f) Impact on the Dungeness, Romney Marsh & Rye Bay Marine Special Protection Area (SPA) and recommended Marine Conservation Zone - Beachy Head East

The SPA is designated for its population of birds, with the proposed marine conservation zone protecting 10 different types of habitat and their associated species, with particular regard to the chalk habitats which support specialised communities of animals and seaweed.

Given that the proposed kiosks are sited on the Pier itself, and will not affect the shoreline at all, it is considered that there will be no negative effect on the recommended Marine Conservation Zone. Similarly, the sheds at 2.6m in height will not obstruct the flight path of the protected birds, and again, will not cause a significant negative effect on the integrity of the SPA.

This assessment is however, subject to the finalisation of a Habitats Regulations Assessment (HRA), to determine the significant effects of the proposed development on these European designated sites. However, Natural England consider it unlikely that there will be any impact on designated sites.

## 6. Conclusion

The proposed kiosks, by means of their materials and location, are not considered to cause undue harm to the character of the Conservation Area, nearby listed buildings or the Pier as a listed building. It has also been demonstrated that there will be no significant effect on the integrity of the relevant European designated sites as a result of the development. As such, the application is in accordance with Policies EN1 and EN3 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

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.

## 7. Recommendation

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
01, 02, 04 Rev A, 05, 06, 07 Rev A, 08 Rev A.
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 sheds hereby permitted shall remain in A1 use only for the entirety of the lifetime of the development.
4. The sheds hereby approved shall not be used or occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - proposed method of fixing the sheds to the pier structure - details to include the number and siting of all fixings, the method of fixing and the fixing unit proposed
  - proposed scheme of decoration for the new sheds - details to include catalogue details of paint types, colours and finishes
  - external cladding materials for the shed roofs
  - details of maintenance, having regard to the site's location and extent of weathering the sheds are likely to be subject to

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. The sheds must be maintained as approved thereafter.

5. The window frames permitted by this permission shall be formed in timber unless otherwise agreed in writing by the Local Planning Authority.
6. Additional waste storage facilities will be secured within the footprint of each kiosk hereby approved, and at no time shall be stored outside in the public area.
7. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 8am and after 6pm

Monday - Friday or before 9am and after 1pm on Saturdays, and at no time on Sundays or Bank Holidays.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining residents.
3. To provide retail services on the Pier appropriate to the overall activity on the Pier.
4. To ensure a satisfactory standard of development.
5. To ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To safeguard the amenity of adjoining and future residents.

**Notes 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.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. The applicant should be aware of ongoing maintenance required with the ownership and operation of the Pier including structural maintenance which should be carried out on a regular basis
4. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc are installed for advice on satisfying the requirements of food safety, and Health and Safety law.

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**Officer to Contact**

Mrs S Wood, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/18/00900 including all letters and documents