

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 06 March 2019

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

**Application Address:** **The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR**

**Proposal:** **Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty.**

**Application No:** **HS/FA/18/01009**

**Recommendation:** **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018  
Conservation Area: Yes - Old Town  
Listed Building: No

Applicant: Mr Lee 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 - Conservation Area Amended Plans  
Letters of Objection: 15 (households/organisations)  
Petitions of Objection Received: 1  
Letters of Support: 0  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - Petition received

## 1. Background information

This application is a duplicate of a previously submitted application for the same development under reference HS/FA/17/01056, which currently remains undetermined. This is because the applicant submitted an appeal to the Planning Inspectorate on the grounds of non-determination in October 2018, although the Council has not yet received a start date for the appeals process. The 2017 application was subject to some delay due to the need to readvertise amended drawings and serve a revised certificate of ownership. The applicant is within their rights to do this if certificates have or have not been served in genuine error, and providing that the full 21 days to serve the notice has passed, then the Local Planning Authority are able to then determine the application.

## **2. Site and Surrounding Area**

The application site relates to an area of land located between the beach and the A259 known as The Stade which comprises an Amusement Park and Boating Lake. The existing buildings on site comprise a café with serving hatches selling mainly takeaway items, a small shop and a mirror maze. To the rear is a structure which houses a ghost train. To the east and south of these buildings are the main amusement rides. This part of the site is largely enclosed by these buildings and a mixture of fencing and railings.

To the west of these buildings and Amusement Park area is a tarmacked open walkway connecting the pedestrian footpath on the A259 with the pedestrian / cycle path which runs parallel to the beach. The walkway is approximately 6m wide and affords unobstructed access through part of the site.

To the west of the open walkway is the Boating Lake. The north boundary of the boating lake is enclosed by dwarf walls and metal railings. There are sporadic dwarf wall and railing sections along the east and west boundary of the Boating Lake. There is no enclosed boundary treatment along the southern side of the Boating Lake which is mainly comprised of low-level landscaping and sporadic brick planters. The miniature railway runs through the middle of the landscaping with the pedestrian / cycle path located to the south.

To the west of the boating lake is a further short public walkway into / through the site connecting the pedestrian footpath on the A259 with the cycle / pedestrian path running along the beach. The western part of the site is divided by low-level walls and there is currently a bouncy castle in the western corner of the site.

The buildings to the east and south of the site comprise The East Hastings Sea Angling Association, Stade Hall and public toilets. To the north of the site is the A259. To the south of the site are the miniature railway line and cycle / pedestrian path running parallel to the beach. Further to the south is a Go Kart Track, Sea Angling Association buildings and boat yards and the beach.

The site forms part of an area of Hastings that is well established in terms of tourism, recreation and entertainment, with other nearby uses including miniature golf, a Go Kart track, amusement arcades, cafes, and play facilities (a multi-use games area and children's play park).

The site is within the Old Town Conservation Area. A majority of the buildings located on the opposite side of East Parade are Grade II listed and the shelter located just to the north of the site is also Grade II listed.

Constraints:

- Flood Zone 3
- Groundwater Flooding
- Surface Water Flooding 1 in 30
- Archaeological Notification Area
- Old Town Conservation Area

### 3. Proposed Development

Proposed extensions and refurbishments to main amusement building including an additional floor and raised roof. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from A259 to the beach. Proposed new boathouse and jetty.

#### 1. Proposed single-storey boathouse and wooden jetty:

- Comprise a series of dark stained timber huts.
- 2.5m to eaves and 4.25m to ridge.
- Would enable access to lake and include café with external seating.
- A new 1.2m black metal bow top fence adjacent to edge of the footpath and boating lake.

#### 2. Main amusement building:

- Increased ridge height of front portion by 1m to 6.2m. Eaves to remain as existing.
- Increased ridge height of main / central building of 1.6m to 7.6m. Eaves to remain at 3m.
- Increased roof height to accommodate a new 1st floor to allow additional storage/office space.
- A similar pitch would be retained with enlarged gables to break up the mass / width of the roof slope.
- Increased footprint of 2.3m projection towards boating lake. Approximately 55sqm in total.

#### 3. Enlargement of sheds to the rear of the main amusement building:

- Four dark stained timber clad huts replace three existing huts.
- Increased ridge height of 2.3m to just under 8m.
- Increased footprint projects a further 3.2m.
- To accommodate improved dodgems and ghost train at 1st floor.

#### 4. Revised landscaped pedestrian footpath from A249 to the beach:

- Located adjacent to eastern edge of the boating lake.
- Width of 3.5m
- New planters enclosing the eastern edge of the path.
- Additional planting is proposed at either end of the redesigned pedestrian path.
- A new black metal bow top fence is proposed along the edge of the footpath
- Two gates on the eastern side of the path would allow access into the amusement park.
- Amusement park would be increased by virtue of reduced path width and would contain one new ride, a swinging pirate ship. As shown hatched on the block plan. The extended area measures approx. 1,200sqm.
- The paratrooper ride has already been located in the established area of the site to the west of the amusement arcade building.
- Two pedestrian walkways would be retained through the site.

A single-storey boathouse structure is proposed to the west of the boating lake along with a new wooden jetty to provide a new access onto the boating lake. The boathouse would be formed of a series of dark stained timber huts, similar to the huts seen elsewhere along the seafront. The boathouse will provide access onto the lake and double up as a café with new external seating proposed outside the café inside the existing low-level curved dwarf walls. The boathouse would measure 4.25m to the ridge and 2.5m to the eaves.

There are two pedestrian walkway's through the site at present. The walkway east of the boating lake would be redesigned and a new slightly narrower 3.5m wide / curved path (from approximately 6m) would be provided from north to south through the site between the beach and the pavement on the edge of the A249. The new path would abut the eastern edge of the boating lake with new planters enclosing the eastern edge of the path. Additional planting is proposed at either end of the pedestrian path. A new black metal bow top fence is proposed along the edge of the footpath adjacent to the boating lake at 1.2m above ground level. Two gates on the eastern side of the path would allow access into the amusement park.

The relocated path would extend the amusement park section of the site to the west of the main building, up to the eastern edge of the relocated path, and south to the edge of the site. The enlarged part of the amusement park would contain one new ride, a swinging pirate ship. An image example of a pirate ship ride has been submitted in support of the application. The extended area measures approximately 1,200sqm.

Extensions and alterations are also proposed to the main buildings and the series of sheds housing the dodgems located in the eastern / central part of the site. The ridge level of the main building would be increased by approximately 1.6m to 7.6m in height above ground level and would include accommodation in the roof space for staff office space and additional storage. A similar pitch would be retained with enlarged gables to break up the mass / width of the roof slope. The eaves level would remain at 3m in height. The ridge height of the smaller section of the building at the front of the site (selling take-away food and / ice-cream) would increase by approximately 1m to 6.2m in height above ground level. The eaves level would remain as existing.

To the rear of the main amusement park building the existing series of three huts containing the ghost train would be incorporated into a series of four dark-stained timber clad huts containing the dodgems and ghost train. The series of huts housing the dodgems would increase by approximately 2.3m to just under 8m in height to the ridge. The footprint would project approx. 3.2m further to the southern boundary / beachfront than the existing huts.

The application is supported by the following documents:

- Design and Access and Heritage Statement
- Listed buildings in the surrounding area
- Transport and traffic statement
- SuDS Report
- Flood Risk Assessment
- Waste Minimisation Statement

## **History (recent and relevant)**

HS/FA/17/01056 - Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description). Awaiting appeal start date

HS/AA/18/00552 - New illuminated signage to replace existing (Minor amendment to existing consent to display advertisement) – Granted

HS/EX/18/00485 - Application for a Certificate of Lawful development for existing use as an Amusement Park – Refused - Appeal Decision Pending

HS/FA/18/00325 – Alterations to shopfront – Granted

HS/AA/18/00169 – New signage – Granted

HS/EX/18/00067 - Application for a Certificate of Lawful development for existing use as an Amusement Park – Refused – Appeal Decision Pending.

HS/EX/17/00104 - Existing Use as an Amusement Park (Sui Generis) (Go Kart track) – Allowed at Appeal

HS/FA/99/00620 – Alterations and extension to office – Granted

HS/FA/99/00023 – Erection of a small building to house six children's electric cars – Granted

HS/FA/99/00556 - Refurbishment of existing cafeteria and amusement complex (building) to form family entertainment centre - Granted

HS/CA/94/00278 - Demolition of existing amusements park buildings, rides etc. (proposal relates to redevelopment scheme HS/FA/94/279) - Refused

HS/FA/94/00279 - Redevelopment of site, buildings, boating lake and infrastructure as new amusement park including the rides and leisure facilities and relocation of bus shelter (94/278 demolition application also applies) - Refused

HS/FA/86/0891 - Reclamation and development of approximately 0.12 HA of the boating lake for recreational uses - Granted

HS/FA/83/0116 - Operation of water tricycles and pedal operated cars – Granted

HS/FA/83/0330 - Reclamation and development of approximately 0.195 hectares of The Boating Pool for recreational purposes – Granted

HS/FA/81/0360 - Erection of pavilion in Boating Lake – Granted

HS/FA/78/00035 - Installation of portable dodgem track - Granted

HS/FA/75/0137 - Continuation of planning consent 74/379 for Junior Go-Kart track, installation of additional track, erection of ranch-type fencing – Granted

74/0379 - Continuation of Planning Consent 70/241 for Junior Go-Kart Track – Granted

72/1236 - Erection of cafeteria – Granted

71/1457 - Family amenity area boating, putting, rides and equipment catering and souvenir sales – Granted

60/0441 - Erection of 5 lean-to portable kiosks - Granted

59/0230 - Proposed new miniature railway terminal station, waiting room, ticket office, platform and extension of existing track - Granted

HS/FA/56/00677 - Erection of amusements building - Granted

## **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

Policy EN1 – Built and Historic Environment

Policy FA5 - Strategic Policy for the Eastern Area

Policy FA6 - Strategic Policy for the Seafront

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

## Policy E4 – Tourism and Visitors

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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

Policy CQ1 – Cultural Quarter

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

Supplementary Planning Document 2 Replacement Doors and Windows for listed buildings and Conservation Areas July 2005

Manual for Streets

### 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 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 85 of the NPPF states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (inter alia) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

Paragraph 92 (Promoting healthy and safe communities) of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance

the sustainability of communities and residential environments;

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 192 of the NPPF 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 of the NPPF 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.

#### **4. Consultation comments**

Conservation Officer: **No objection**

Objections to the design were overcome during the previous application. Conditions regarding material samples and details included (Conditions 4 and 5)

Archaeology: **No objection**

Submitted Heritage Statement satisfactorily identifies the known archaeological resource of the application site and its immediate locale, and concludes that no significant archaeological remains are likely to be affected.

Environment Agency: **No comments received for this application.**

However, for the former application that currently remains undetermined, they required conditions to ensure that the boathouse and jetty will not be in operation in the event of an amber weather warning for wind, and a flood warning from the Environment Agency (Condition 3)

Natural England: **No objection**

Refer to standing advice

Foreshore Trust: **No objection in principle**

Note that the pathway running along the western\* edge of the boating lake should be retained and accessible for public use at all times, and should be wide enough to accommodate easy passage.

*\*Whilst the western edge of the boating lake has been noted, I believe the response should have referred to the eastern edge.*

Hastings Borough Council (Estates) - **no objection**

Note that under the terms of the lease, the Foreshore Trust's consent as landlord is required for any alterations

## 5. Representations

A total of 31 objections, from 15 people/organisations have been submitted following consultation with the public. 1 petition of objection has been submitted

The following summarised points of objection have been raised:

- The proposals seek to extend the site beyond the existing boundaries.
- The new / relocated footpath through the site would be narrower than existing.
- Railings are too high and will create enclosure
- The new footpath through the site will be closed off at night.
- More of the site will be enclosed.
- Increased building height will block the views over the site and beyond.
- The current site is poorly maintained.
- The proposals are detrimental to the conservation area.
- New / additional rides will increase the noise from the site.
- The existing PROW through the site is protected by the Foreshore Trust.
- There is no justification for another café.
- Impact on current parking problems
- The new amusement rides are outside the current amusement area.
- Harmful impact on the setting of listed buildings.
- The Heritage statement is incomplete.
- The increased building height would be out of keeping and harmful to the character of the area.
- The current walkway through the site is a designated PROW. The relocation of the route through the site could make it harder in the future to claim this as a designated right of way.
- The site has not been developed / well managed by the existing leaseholder.
- New pedestrian route would be unsafe at night.
- The pedestrian path through the site is an amenity enjoyed by the public as guaranteed by the Foreshore Trust.
- More noise and light pollution from new rides.
- Objectors want the footpath to retain its current route.
- The current footpath is straight, wide and safe.

- The new path would be narrower and when standing at either end, it will be impossible to see down it, as at present. This will make it less safe.
- The current planning application would extend the enclosed park area by some 50%.
- The open nature of the site should be retained.
- The new path would be difficult for pushchairs and wheelchairs and is more dangerous for children due to the proximity of the lake.
- The proposed changes need to be agreed by Foreshore Trust.
- The enclosure of the indicated area and addition to the current enclosed amusement park
- The proposed extensions and refurbishments to main amusement building are out of character with the old town setting. They are too tall and of poor architectural quality
- The increased footprint of raised huts behind the main building constitutes a land grab and is detrimental to the local environment and Old Town as a whole.
- The new boat house and jetty add new build to a currently open area. The jetty is an intrusive addition to the already compromised boating lake.
- The new pirate ship intrudes into what was a public open space

Other comments made:

- The correct procedures have not been followed in determining the application

## 6. Procedural Matters

A number of the local residents have referred to the existing walkway through the site (adjacent to the boating lake) from the beach to the A249 as a designated Public Right of Way. However, East Sussex County Council records indicate that the walkway has not been formally adopted as a Public Right Of Way. The walkway has remained open and unobstructed for a number of years.

The Council also confirms that the correct procedures have been followed with regard to consulting with statutory consultees and considering representations.

## 7. Determining Issues

The key planning issues are design and impact on the character of the Conservation Area and setting of nearby listed buildings, pedestrian access and safety and neighbour amenity.

The Planning (Listed Building and Conservation Areas) Act 1990 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 of the Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

The principle of improving / extending the existing amusement park would be in accordance with Policy E4 of the Local Planning Strategy which states that the Council will work to promote and secure sustainable tourism development in the town. Policy E4 states a more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy. Policy E4 also advises that new visitor attractions will be encouraged and those

that already exist will be protected. The upgrading of provision will be encouraged where it increases the range and/or quality of tourist facilities. In addition Policy E4 advises that proposals for new visitor attractions will be considered sympathetically anywhere within the Borough subject to other policies. The seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront, as required by Policy FA6 of the Planning Strategy.

b) Impact on character and appearance of area

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

*'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 wooden jetty would be a ground level structure with limited visual impact on the character, appearance and setting of the conservation area or nearby listed buildings. In addition, the jetty would not appear out of keeping within the setting of the boating lake.

The relocated pedestrian walkway would represent a significant visual improvement on the existing poorly surfaced and unattractive pedestrian route through the site. The current route is dominated by tarmac and the harsh / solid flank walls of the amusement buildings, with only limited landscaping towards the northern end of the path. The new path would be fully landscaped along the eastern edge, with further landscaping at each end of the path with a levelled new surface throughout. The second shorter stretch of walkway to the west of the boating lake would not be affected by this application and would also remain open to public access.

The proposals also include alterations to the main building and the series of timber sheds containing the ghost train and dodgems, comprising an additional storey and increased ridge height to these structures. The works would involve the demolition of the existing ghost train building to make way for the new structure, which has been clarified in the description for full transparency. The overall increase in height is not considered to be significant (between 1m and 2.3m only) and there are other examples of higher / two-storey buildings further to the east of the site so the proposals would not appear out of character with the established building heights along this stretch of the beachfront. The design and form of the buildings would remain largely as existing, with the main difference seen in the additional massing / scale of the roofs along the east and west elevations. Following negotiations with the Conservation Officer the submitted drawings now improve the roof design to break up the mass and horizontal width of the roof along these elevations to achieve an acceptable

design. The additional height would restrict some views towards the beach and back towards the Old Town Conservation Area from the east and west of the buildings, however, due to the orientation of the buildings, pitched roof forms and minimal increase in height, there is not considered to be any detrimental impact to the character, appearance or setting of the Conservation Area or listed buildings. In addition, the proposed roof extensions would not overwhelm the Grade II listed shelter, which is the closest listed structure, due to minimal increase in height, direction of the pitched roof and separation distances involved.

The existing buildings are of no particular architectural merit and the proposed alterations and extensions, as a whole, represent an opportunity to renovate and improve the external appearance of the buildings which would enhance the character of the site and setting of the Conservation Area and nearby listed buildings.

Overall it is considered that the proposed extensions to the main buildings would respect the scale, form and design of existing buildings along the beachfront and would preserve the character and setting of the Conservation Area and listed buildings. The boathouse and landscaped pedestrian walkway would make a positive contribution to the character, appearance and setting of the Conservation Area and listed buildings compared to the existing walkway and the temporary bouncy castle. Overall, it is therefore considered, on balance, that the proposed development would be in accordance with Policy EN1 and E4 of the Planning Strategy and Policies DM1, HN1, HN2, HN4 and CQ1 of the Development Management Plan and the aims and objectives of the NPPF.

Condition 5, 6, 7 and 8 relate to materials, joinery details, boundary treatment and landscaping.

#### c) Impact on neighbouring residential amenities

The proposed alterations and extensions to the existing buildings and new buildings would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and separation distances involved.

The extension of the amusement park would include space for one additional ride in the southern most section of the site which is located further away from the residential properties located on East Parade than a majority of the existing rides. The site already contains various rides and it is considered that one additional ride would not have an unacceptable impact on the residential amenity compared to the existing rides and use.

#### d) Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### e) Highway Safety

The site is situated on a main shopping street leading into Hastings town centre. The site is located within a sustainable location with good pedestrian access to the train station, bus

stops and surrounding town centre. There are also several public car parks in proximity to the site. The site does not benefit from any on-site dedicated parking, however, given the sustainable location and fact the site is an established tourist attraction it is considered that any increase in vehicle traffic generated by the improved facilities would not result in any significant increase in traffic or parking demand compared to the existing attractions. In view of the sustainable location of the site further details regarding parking arrangements are not considered necessary in this case and the proposal is considered to be acceptable from a parking and highways safety perspective.

The majority of the objections relate to the relocated pedestrian footpath through the site and fact that it would be gated at either end, closed to the public and narrower than the existing path. To confirm, the new walkway would not be gated at either end and would allow unobstructed pedestrian access between the pavement on the A249 and the beach. It is noted that the existing walkway could be enclosed at either end without needing planning permission although consent from the land owners would be required. The new path would be narrower than the existing walkway, however, the new surface, route of the path and landscaped border would make a more attractive route through the site. The new path would be over 3.5m wide. This would be wider than the guidance contained in Manual for Streets which advises that a footway should be at least 2m wide to allow sufficient space for pushchair / wheelchair users to pass. Manual for Streets guidance also advises that a path at least 2.5m wide would be required to allow space for people to stop and chat without obstructing the free flow of pedestrian traffic. The width of the redesigned path would exceed the guidance requirements set out in Manual for Streets. In addition, a condition is imposed to secure sensitive low-level lighting along the path to improve pedestrian safety.

Condition 9 relates to the pedestrian walkway lighting.

#### 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.

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

The proposed development is located approximately 38.5 km from the Ashdown Forest Special Area of Conservation (SAC), 37.5 km from the Lewes Downs SAC and 12 km from the Pevensy Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensy Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs.

Since this application was submitted Environmental Specialists AECOM have assessed the impact of development coming forward up to 2033 and concluded that there would be no harm to the conservation objective of the above relevant Areas of Special Conservation. For

these reasons it is considered that the proposed development, in combination with other relevant development, would not harm the special integrity of the Ashdown Forest, Pevensey Levels and Lewes Downs Special Areas of Conservation and their conservation objectives.

#### h) Drainage

The application has been accompanied by a Flood Risk Assessment (FRA) and SuDS Decision Support Tool for Small Scale Development. The proposals would not increase the brownfield runoff rates as the new / extended building footprint would be located on areas of existing hardstanding. The FRA advises that in extreme weather (amber warning) the jetty and boating lake should not be in use and Condition 3 addresses this point as recommended by the Environment Agency.

Condition 3 relates to the use of the jetty and boating lake.

### **8. Conclusion**

It is therefore considered that the scheme represents sustainable development and is acceptable. As a result a recommendation of approval has been made for these proposals.

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**

#### **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:  
  
BA1663.01A, BA1663.02A, BA1663.06 B, BA1663.32 B, BA1663.09 S3, BA1663.30 C, BA1663.31, BA1663.11, BA1663.33, BA1663.34, BA1663.35
3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (11 January 2018), including the following mitigation measures detailed within the FRA:
  - In the event of an amber weather warning for wind and upon receipt of

a flood warning from the Environment Agency flood warning service the boathouse and jetty will not be in operation.

The mitigation measures shall be fully implemented prior to use of the new facilities and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

4. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the buildings / extensions and the hardsurface materials for the pedestrian walkway hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Samples of materials submitted shall include all colour and finish variations proposed for use. Development shall be carried out in accordance with the approved details.
5. No works shall commence above ground until the following details have been submitted to and approved in writing by the Local Planning Authority:
  5. Large scale drawings (1:10 or 1:20) of all new external joinery.
    - Full details of the proposed new roof lights, to include manufacturer's brochure details, materials and finishes, and 1:10 elevations and 1:2 sections through the proposed roof lights, these details to include the installation details of the roof light within the existing roof structure.
    - Details of all new roller shutters, information to include materials and finishes, the siting of the shutter housing, the slat sizes and the degree of solidity of the slats.
    - Section details through the proposed eaves, soffits and gable features on the new roofs at 1:5 scale, and confirmation of the proposed materials and finishes

Works shall be carried out in accordance with the approved details.

6. No development shall take place above ground until full details of all boundary walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatment shall be erected before the building to which it relates is occupied.
7. No development above ground 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.

All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the use of any part of the development hereby permitted, 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.

8. Prior to the commencement of development above ground, details of low-level lighting to be installed along the route of the new pedestrian walkway shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with approved details and maintained/retained in good condition thereafter.
  
9. 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.

**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 reduce the risk of flooding to the proposed development and future occupants in line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
4. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
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7. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
8. To ensure that a reasonable standard of access is provided in the interests of pedestrian safety.

9. To safeguard the amenity of adjoining residents.

### **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 applicant is advised to sign up to the Environment Agency's flood warning service (<https://www.gov.uk/sign-up-for-flood-warnings>)

The Environment Agency recommend consideration is given to flood resilience and resistance measures when designing for the development (<https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3#extra-flood-resistance-and-resilience-measures> and more comprehensive guidance also available: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)

4. The applicant is advised that under the terms of the lease, the Trust's consent as landlord is required to carry out any alterations.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/18/01009 including all letters and documents