

Report to: PLANNING COMMITTEE

Date of Meeting: 01 May 2019

Report from: Assistant Director of Housing and Built Environment

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

Proposal: Change of use from internal visitor centre function room into a family entertainments centre (Sui Generis) to include amusement arcade machines

Application No: HS/FA/18/00896

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: Yes - Eversfield Place
Listed Building: Grade II

Applicant: Sheikh Gulzar per Lord Mclean

Public Consultation

Site Notice:	Yes
Press Advertisement:	Yes - Affects a Listed Building
Letters of Objection:	34
Petitions of Objection Received:	0
Letters of Support:	2
Petitions of Support Received:	0
Neutral comments received	0

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

1. Site and surrounding area

The site comprises of the main visitor centre building in the centre of Hastings Pier. Hastings Pier itself is 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. These works were 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

It is proposed to change of the use of the existing visitor centre function room into a family entertainments centre, which will include the provision of amusement arcade machines. This use will fall within the 'sui-generis' use class as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

There will be no alterations to the internal layout or external appearance of the building. The store rooms, WC, kiosk and service lift will all remain in situ, and only the educational and interpretation spaces at either end of the building will change to an amusement arcades/entertainment centre. This amounts to approximately 200sqm of amusement/entertainment space within the overall building which measures approximately 396sqm.

The application is supported by the following documents:

- Heritage Statement

Relevant planning history

HS/FA/18/00900 Erection of five kiosks for retail use for a period of 5 years (part retrospective)
Granted 6 March 2019

HS/FA/18/00732 Listed Building Consent (part retention) for the siting of 5 no temporary kiosks for retail use, for a period of 5 years
Granted 6 March 2019

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

HS/FA/16/00400 Variation of conditions 2, 3 & 6 of HS/FA/13/00782.
Granted 10/06/2016

HS/LB/16/00401 Variation of conditions 2, 3 & 6 of HS/LB/13/00783.

Granted 27/05/2016

- HS/LB/15/01023 Installation of two containers (temporary) and timber boarded refuse enclosure
Refused 12/01/2016
- HS/LB/15/01025 Installation of temporary trading kiosks.
Granted 12/01/2016
- HS/FA/14/00211 Replace remaining and fire damaged deck boards with a thicker and wider hardwood board.
Granted 15/08/2014
- 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/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/13/00782 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/13/00783 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/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

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 EN3 - Nature Conservation and Improvement of Biodiversity
- 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)

Policy HN8 - Biodiversity and Green Space

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 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.

3. Consultation comments

Hastings Borough Council (Conservation Officer) - **no objection**

Does not consider the proposed use to have any detrimental impact on the special historic or architectural character of the Pier as a listed building, or harm to the character and appearance of the Eversfield Place Conservation Area, adjacent conservation areas or nearby listed buildings.

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

No comment to make on this application

Historic England - **no objection**

Do not consider the proposals to require a specific consultation response given its nature. Have noted in recent correspondence regarding the revised listing of the Pier, that the significance of the Pier lies primarily in the cast iron sub structure and screw piles beneath the Pier deck as well as the remaining Edwardian Pavilion, and not the existing visitor centre.

Natural England - **no objection**

Do not consider the proposed development to have significant adverse effect on the statutorily protected sites or landscapes.

Foreshore Trust - **no comment received**

4. Representations

Following the display of a site notice at the application site, 39 letters of objection have been received from 34 individuals. 37 were letters of objection, and 2 were letters of support. A summary of these comments is provided below:

Support

- Increases footfall and generates a viable income
- Support change on the Pier

Objections

- Existing over concentration of arcade/amusement uses in the area
- Inappropriate to encourage gambling and addiction from machines to be used

- Changes the open nature of the award winning Pier, and harmful to its character
- Information submitted with Planning Application is incorrect
- Fire risk - lack of plug sockets. Will need additional provision for utilities
- Power loading and fire prevention needs to be considered
- Loss of open space on the Pier
- Use will destroy peace and quiet that the Pier currently has
- Should be a Listed Building Consent.

Non-material objections that cannot be considered

- Proposals previously the subject of planning applications are not appropriate or suitable
- Competition for existing arcade offer
- Owner intentions

5. Determining issues

The main issues to consider with regard to this application relate to the suitability of the proposed use on Hastings Pier, its contribution to the local economy and whether there is any impact on the significance and setting of any designated heritage assets. These issues are discussed below.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings 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 Eversfield Place Conservation Area

The current proposals are for a change of use only to the modern former visitor centre on the Pier, with no external alterations being proposed to the building. The proposed use is for a family entertainments centre, or amusement arcade, which is a use not uncommon on a seaside Pier. It is not considered that the use would have any detrimental impact on the special historic or architectural character of the Pier as a listed building, due to its significance primarily being drawn from the cast iron sub structure and screw piles beneath the Pier deck, as well as the remaining Edwardian pavilion, on which this proposal will have no effect.

As the proposals are for a change of use only, with no external alterations, it is not considered that the development will cause any harm to the character and appearance of the Eversfield Place Conservation Area, within which the Pier sits, or the adjacent White Rock Conservation Area. Nor will the use cause any harm to the setting of adjacent listed buildings, including the Boer War Memorial on the seafront, or the listed seafront shelter just to the north of the Pier.

It is therefore concluded that the proposed new use will not harm the significance of any heritage assets. The proposals meet the requirements of the NPPF in terms of the need to conserve heritage assets. The requirements of adopted local plan policies EN1 and HN1 will also be met.

c) 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. Maintenance of this structure is key, and important to 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 therefore 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.

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, although this significance of the Pier lies primarily in the historic cast iron sub structure and screw piles, together with the remaining Edwardian Pavilion building. 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. As the proposals do not involve external alterations, and the change of use will not detrimentally affect the special interest of the Pier in terms of the reason for its listing, Listed Building consent is not required.

The columns, girders and ability to walk around the Pier will not be affected by this scheme as the proposed change of use relates to an existing structure, which does not form part of the essence of the listing. No external alterations are proposed.

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.

Taking the above into account, it is clear that the benefits of income generation on the Pier are significant. The proposed change of use will contribute positively in economic terms by accommodating more business generating activity and reduce the risk of the Pier falling into decline. No external alterations are proposed and the development will not affect the significance or setting of the Pier or the reasons for its listing. As such, the proposal is in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

d) Layout

The internal layout of the existing visitor centre is to stay the same, with the exception of the visitor space being used as an amusement arcade/entertainment space. The existing toilet and storage area will remain, to serve the new use. There is sufficient space to create a new amusement/entertainment area, and no objection is raised in this regard. Issues regarding

power and fire prevention are considered as part of the Building Regulations process, and are not for consideration here.

e) Loss of existing use/proposed use

Since rebuild and renovation, Hastings Pier has struggled to be financially viable. Whilst on its own, the arcade/entertainment use may not make the Pier financially viable they are likely to help in this aim, particularly taken together with the recently granted permission for A1 retail kiosks.

The Pier is a visitor attraction and development which is acceptable under other planning policies, will act as an attraction and encourage further visitors to the Town. This approach is supported in particular by Policy E4 of the Hastings Planning Strategy 2014, which seeks to promote and secure sustainable tourism development in the town, and encourage new visitor attractions. In addition, Policy CQ1 of the Development Management Plan 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. The change of use is likely to increase footfall on the Pier, when compared to the existing visitor centre, and will contribute to the overall strategy for the Seafront as set out in Policy FA6, which seeks to support a sustainable future for Hastings Pier.

There are no Local Plan policy restrictions relating to the number of amusement arcades in a particular location, and as such, objections in this regard cannot form a reasonable reason for refusal. Notwithstanding this, given that the majority of amusement provision is located in the Old Town, much further to the east, the over concentration of such uses is not considered to be a significant issue.

The applicant has confirmed that the new amusement area will comprise machines suitable for family use, appropriate to an amusement centre on a Seaside Pier.

f) Impact on neighbouring residential amenities

There are no residential properties directly adjacent to the Pier, although residential properties are close by on the opposite side of the A259 along Eversfield Place. However, given the presence of the road, they are unlikely to be affected by any increase in noise from the proposed use. The applicant has advised of opening hours between 9am and 9pm Monday - Sunday (including bank holidays), which is not unreasonable in this location on a major tourist attraction.

g) 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 proposal relates to a change of use of an existing building only, it will not affect the shoreline at all. Subsequently it is concluded that there will be no negative effect on the recommended Marine Conservation Zone. Similarly, there are no alterations proposed that could obstruct the flight path of the protected birds. Therefore neither will there be a significant negative effect on the integrity of the SPA.

6. Conclusion

The proposed change of use to an amusement arcade/entertainment area is not considered to cause any harm to the significance or setting of designated heritage assets or residential amenity. It will increase footfall on the Pier and contribute to the local economy and strategic objectives relating to the Seafront as a whole. The proposal therefore complies 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 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:

02, 09A, 10A
3. The premises shall not be used except between the following hours:-

9am - 9pm Monday - Sunday (including Bank 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 safeguard the amenity of adjoining and future 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 paragraph 38 of the National Planning Policy Framework.

3. The applicant is advised that any external alterations may require full planning and/or listed building consent.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/18/00896 including all letters and documents