

Report to: PLANNING COMMITTEE
Date of Meeting: 10 July 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: White Rock Fountain (Seafront), Hastings, TN34 1JL
Proposal: Discharge of condition 3 (Sample Materials) of Planning Permission HS/FA/18/00453 - Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area.
Application No: HS/CD/19/00470

Recommendation: Approve

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

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

Public Consultation

Site Notice: No
Press Advertisement: No
Letters of Objection: 0
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

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

1. Site and surrounding area

The White Rock fountain is located directly on the main promenade on Hastings Seafront, just west of Hastings Pier. The fountain is a short distance from the town centre, and forms the roof of the Source Park, a skate park located in the former White Rock Baths below the

promenade. Its location on the seafront between the town centre and Hastings Pier means that it forms a key feature of the public realm, easily visible and accessible by pedestrians along the seafront.

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

Relevant site constraints

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

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

2. Proposed development

The application proposes to discharge condition 3 (materials) of planning permission HS/FA/18/00453 (Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area).

Condition 3 states:

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

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

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

The application is supported by the following samples:

- Paving stone: Tobermore Braemar Ground Texture Cara Slate;
- Reconstituted stone for the White Rock Feature: Broadmead Portland Acid Etched;
- Concrete bench: Factory Furniture Soca Seat, Light Exposed Aggregate;
- Timber top of the concrete benches: Factory Furniture Cumuru;

No sample for tactile paving has been submitted. This is not being used in the development, rather the paving stones as submitted are to be used for the hard landscaping. This is accepted, and is not contrary to the approved plans.

Relevant planning history

- HS/FA/18/00453 Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area
Granted 8 November 2018
- HS/FA/12/00132 Change of use and alterations to promenade level building and part of lower level to cycle hire shop, café and ancillary use (Source Park).
Approved April 2012
- HS/13/00432 Change of use from D2 to D1 (Seafront Community Showroom).
Approved August 2013

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

- FA2 - Strategic Policy for Central Area
- FA6 - Strategic Policy for The Seafront
- SC1 - Overall Strategy for Managing Change in a Sustainable Way
- EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

- LP1 - Considering Planning Applications
- DM1 - Design Principles
- HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
- HN4 - Development Affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
- CQ1 - Cultural Quarters

National Planning Policy Framework (NPPF)

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

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

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

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

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

3. Consultation comments

Hastings Borough Council (Conservation Officer) - no objection

The Conservation Officer is satisfied that the proposed materials are appropriate for the development, and will not cause harm to the significance of the conservation area or setting of nearby listed buildings.

4. Representations

Comments are not invited on discharge of condition applications.

5. Determining issues

The main issue to be considered in the determination of this application is whether the materials used for the development will sustain and enhance the character and appearance of the White Rock conservation area.

a) Principle

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

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

The original application sought to re-model the existing fountain structure and re-purpose it as a modern seaside attraction. Whilst the fountain and seating area will remain low lying

and will not obstruct views along the open seafront, the use of materials still need to be carefully considered to minimise negative impact on the setting of the conservation area and nearby listed buildings.

The applicant has submitted the following materials for use within the scheme, in accordance with the requirements of condition 3 of planning permission HS/FA/18/00453:

- Paving stone: Tobermore Braemar Ground Texture Cara Slate for the paving stones;
- Broadmead Portland Acid Etched reconstituted stone for the White Rock Feature: ;
- Factory Furniture Soca Seat, Light Exposed Aggregate for the concrete bench
- Cumuru timber top for the concrete benches.

An analysis of the submitted materials is set out below:

Design element	Proposed materials	Comments
Slatted timber to be used for the seating	Factory Furniture Cumuru	Good quality hardwood being proposed. Acceptable.
Paving	Tobermore Braemar Ground Texture Cara Slate	Good quality man-made paving with some natural stone content. Dark colour should complement the pale Portland type finish to the feature sculpture. Dark colour should also mask wear and tear, as stains from gum and grease (ice cream, milkshake, chips etc.) should be less obvious than on a lighter coloured surface. Acceptable.
Tactile paving	N/a	Architect has confirmed that no tactile paving is being proposed for the scheme. Acceptable.
Stone for White Rock feature	Broadmead Portland Acid Etched Reconstituted Stone	This is a very good quality reconstituted stone. The stone sample is a close match to the appearance and texture of a natural Portland stone. Once the stone has weathered in it would be very hard to see that this was not a natural stone.
Other sample submitted for base of new concrete benches (not specifically required under Condition 3)	Factory Furniture Light Exposed Aggregate	In comparing the proposed sample for the concrete base of the new benches with the colour of the concrete on the existing fountain structures, it is clear that there is a colour difference. The existing concrete is a more buff colour with a shingle content, whereas the proposed concrete sample has a grey colour with a black aggregate. From the approved designs, it looks like the new and existing concrete will be seen immediately adjacent to each other, so a more buff colour for the new concrete benches would match in better with the existing fabric. Not required under condition.

As set out in the table above, the submitted materials are considered appropriate for this development. They are of good quality, and will not be out of keeping with other materials used in the surrounding area. Their use will not cause harm to the character and appearance of the area, or affect the setting of the conservation area or nearby listed buildings. Condition 3 of planning permission HS/FA/18/00453 is therefore discharged.

The applicant is advised that when considering the materials for the base of the concrete benches, that a buff colour would be more sympathetic to the existing fabric. This is not however, required to be discharged under this condition.

c) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. Conclusion

The submitted samples are of sufficient quality and appearance to enable condition 3 of planning permission HS/FA/18/00453 to be fully discharged. 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

Condition 3 of planning permission HS/FA/18/00453 is discharged.

Approve

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/CD/19/00470 including all letters and documents