

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 14 August 2019  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **White Rock Fountain (Seafront), Hastings TN34 1JL**

**Proposal:** **Discharge of condition 4 (proposed fountain details) 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/19/00528**

**Recommendation:** **Approve**

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

Applicant: Hastings Borough Council on behalf of 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 east 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 4 (proposed fountain details) 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 4 states:

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

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

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

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

The application is supported by the following documents:

- Lighting details
- Misting feature details
- Drinking fountain details
- Plans, elevations and sections

### **Relevant planning history**

HS/CD/19/00604 Discharge of condition 5 (soft landscaping) 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  
Awaiting determination

- HS/CD/19/00470 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  
Granted 10 July 2019
- 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

- 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 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) - **no objection**

The proposals will not harm the significance of the Conservation Area, or the setting of the adjacent listed buildings.

### **4. Representations**

Public comments are not invited on discharge of condition applications.

### **5. Determining issues**

#### 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 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. Condition 4 of the earlier approval requires full details of the proposed fountain be submitted for consideration. These details are as follows;

**The central white rock feature:**

Details of the proposed materials along with the height and shape of the rocks have been provided. These have been assessed and are considered acceptable. A material sample for the rocks has also previously approved under application CD/19/00470.

**Proposed new seating:**

Details of the siting, size and appearance of the proposed benches have been provided. These have been assessed and are considered acceptable. Details of the timber slats on the benches and the concrete bases have also been previously approved under application CD/19/00470.

**Drinking fountain:**

The materials for the drinking fountain have been confirmed as stainless steel. While this quite utilitarian in appearance, it is considered to be in keeping with the other fittings within the environs of the new water feature and as such is considered acceptable.

**Lighting units:**

The lighting units will be sited adjacent to the mister jet units and are to be recessed within the flooring. The proposed lighting units are considered to be acceptable.

**Mister jet units:**

The mister jet units will be mostly hidden underneath the proposed paving with the visible top face being finished in stainless steel. This is considered acceptable and in keeping with the development.

**Activation Bollard:**

This is an addition to the design proposal and as such did not form part of the condition originally imposed however now forms part of the scheme. The development includes the misting of water and a lighting scheme which runs on a timed programme and automatically turns off at then end. The activation bollard will include a button that can be pressed to allow members of public to re-activate the misting and lights programme.

The details submitted in relation to the bollard are considered acceptable.

It is considered that the proposed detailed designs and specifications for the new fountain are acceptable with the proposals being of an appropriate quality for this prominent site in the Conservation Area. The overall development will also considerably enhance the appearance of the fountain area, and support its regeneration as a key landmark site along the Seafrost, in accordance with Policy FA6 of the Hastings Planning Strategy 2014. Taking these factors in to account it is considered that the proposals are acceptable and will not harm the significance of the White Rock Conservation Area, or the setting of the adjacent listed buildings.

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 proposed development is considered acceptable and will aid in enhancing the character and appearance of the area, without causing harm to the significance and setting of the Conservation Area or nearby listed buildings. The details submitted are considered acceptable and sufficient to enable discharge of condition 4 (proposed fountain details) of planning permission HS/FA/18/00453. 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 4 of planning permission HS/FA/18/00453 is discharged.**

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/CD/19/00528 including all letters and documents