

**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 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.**

**Application No:** **HS/CD/19/00604**

**Recommendation:** **Approve**

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

Applicant: Hastings Borough Council on behalf of  
ForeshoreTrust 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 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).

Condition 5 states:

*"No development 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"*

The application is supported by the following documents:

- Landscaping plan and section detail of a typical planter
- Typical planting bed with list of proposed species

### **Relevant planning history**

- HS/CD/19/00528 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  
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

## **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  
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 (Arboriculturalist) - **no objection**  
Does not consider the proposal to have a negative impact

### **4. Representations**

Public 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 proposed landscaping scheme is appropriate in the context of the approved use, and whether it 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 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 implementation of an adequate soft landscaping scheme is important to ensure the setting of the conservation area is maintained and enhanced.

The applicant is proposing the use of 9 different planting species, all sympathetic to this coastal location. The proposed planting also takes reference from the plants used in existing planters along the length of the seafront, ensuring the design is in-keeping with the surrounding area. Planters will also incorporate recycled coastal items and shingle/pebbles to support the coastal theme.

There is currently some landscaping located to the within the site, to the north. The inclusion of landscaping proposed within this scheme will ensure its appearance is softened and enhanced. Taken together with the materials and seating proposed (considered under

planning references HS/CD/19/00528 and HS/CD/19/00470), the proposed soft landscaping will considerably enhance the appearance of the fountain area, and support its regeneration as a key landmark site along the Seafront, in accordance with Policy FA6 of the Hastings Planning Strategy 2014.

#### 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 soft landscaping scheme is considered to enhance the character and appearance of the area, without causing harm to the significance and setting of the conservation area or nearby listed buildings. The type of plants proposed are considered acceptable and the submitted information is sufficient to enable the discharge of condition 5 (soft landscaping) 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 5 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/19/00604 including all letters and documents