

Report to: PLANNING COMMITTEE
Date of Meeting: 03 June 2020
Report from: Assistant Director of Housing and Built Environment

Application address: **West Hill Lift, George Street, Hastings, TN34 3EA**

Proposal: **Scaffold structure to provide additional support to existing temporary and other roof support structure to Upper Station, Old Motor Room. Consolidation works to steel ceiling beam (amended description)**

Application No: **HS/LB/19/00699**

Recommendation: **Grant Listed Building Consent**

Ward: CASTLE 2018
Conservation Area: Yes - Old Town
Listed Building: Grade II

Applicant: Hastings Borough Council Muriel Matters House
Breeds Place Hastings TN34 3UY

Public Consultation

Site notice: Yes
Press advertisement: Yes - Affects a Listed Building
Neighbour Letters: No
People objecting: 0
Petitions of objection received: 0
People in 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 United Kingdom's funicular railway is not only a structure of national importance but also a source of immense local pride. The top station of the West Hill Lift is set in the immediate vicinity of the scheduled ancient monument; Hastings Castle, the top station also integrates

the use of the railway with a café for residents and visitors alike to enjoy with both a station and motor room below the café . From the top of the route on the West Hill some of the most spectacular views of the English Channel and Hastings Old Town below. The immediate surroundings are of an open public space with some late 19th and early 20th Century buildings framing the appearance of the area.

The West Hill and East Hill lifts are both an enduring symbol of the unique charm and character of Hastings. The West Hill Lift retains its original wooden Victorian coaches, and also runs through a tunnel, which is considered to be very unusual for a funicular railway.

The bottom station opens onto George Street which is home to the Old Towns retail offering of shops, bars, and restaurants set in a dense piecemeal development that is predominantly 17th and 18th Century in origin. The buildings on George street vary in height from 2 to 5 storeys, the narrows street creates a sense of historical character and the materials used such as timber, render and slate further contribute to the character. Many of the buildings on George Street are designated heritage assets by way of being Grade II Listed Buildings.

Constraints

Old Town Conservation Area

Grade II Listed Building

SSSI Impact Risk Zone

Listing Details

GEORGE STREET 1. 5204 (North Side) West Hill Lift TQ 8209 SW 14/588 TQ 8209 NW 7/588 II GV 2. 1902. The lower terminus onto George Street, stuccoed entrance with pilasters, round arch doorway and balustrade. A red brick tunnel which the tracks pass through up to West Hill high above. The upper terminus is incorporated into modern building (cafe etc).

All listed buildings in George Street form a group.

Listing NGR: TQ8217809570

2. Proposed development

The proposed development relates to the upper portion of the West Hill Lift where it terminates at the top of the West Hill. The application proposes the erection of scaffolding and acro prop supports (a temporary steel support strut) to provide additional support to existing temporary and other roof support structure to the Old Motor Room at the Upper Station. The roof of the Old Motor room is part of the floor to the café above the Old Motor Room. The consolidation works to the steel ceiling beam and the use of additional props will address any potential movement that otherwise could occur. No external or public facing works are proposed.

The application is supported by the following documents:

Design and Access Statement

Planning Statement

Paint Details

Primer Details

Details of areas to be painted

Existing Photos

Relevant planning history

Application No. HS/61/00848

Description Proposed tea room.

Decision Permission with conditions on 29/09/61

Application No. HS/63/00293

Description Amended proposal for the patio at West Hill Cafe.

Decision Refused on 22/04/63

Application No. HS/FA/77/00415

Description Demolish roof and windows to existing solarium and construct covered portion to servery area.

Decision Permission with conditions on 24/08/77

Application No. HS/79/00531

Description Interpretive centre for Hastings Castle.

Decision Withdrawn on 31/12/79

Application No. HS/OA/84/00128

Description Redevelopment of the existing cafe by a new and extended restaurant and interpretive centre

Decision Outline Application with Conditions on 31/05/84

Application No. HS/FA/86/00726

Description Construction of new roof and exterior refurbishment

Decision Permission with conditions on 08/12/86

Application No. HS/FA/90/00818

Description ERECTION OF SINGLE STOREY EXTENSION

Decision Permission with conditions on 31/01/91

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

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

National Planning Policy Framework (NPPF)

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 189 (of Section 16. "Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 190 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 192 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 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.

Paragraph 194 states: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- a) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 200 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 202 states: "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

Conservation Officer – The application has been assessed by the Assistant Planning and Conservation Officer. Therefore no additional advice is required.

4. Representations

In respect of this application a site notice was displayed at the bottom and top stations and an advert placed in the local paper. No responses were received.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. 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.

The main issue for consideration is whether the proposal causes harm to the heritage asset

and whether the temporary nature of the proposal is controllable and justified.

a) Heritage

The top station is now an integral part of a tea room, which is recorded as being granted planning permission in 1961. The presence of the tea rooms has remained despite outline permission for a post-modern styled interpretive centre being approved in 1984. However, that scheme was not realised and a subsequent planning application for a single storey extension submitted in 1990 was approved and implemented. This established the form and appearance of the West Hill top station and Café as it is known today.

The establishment and continued operation of the tea room has provided economic activity in the area of the top station, which otherwise have affected the lifts popularity. However, the formation of the tea room and existing arrangements has led to a situation where repair to the structure of the lift motor room below the café cannot be carried out in terms of both cost and disturbance to the café business. The café business has lost the passing trade from the operation of the West Hill Lift since the lifts closure for mechanical reasons in 2019. However, repair work to the lift mechanism is now underway. It is considered that the repairs required to the old motor room would cause disturbance that the business cannot accommodate and as such the cafe remains closed.

In order to sustain the situation and not allow deterioration of a heritage asset, a temporary propping of the steel work that forms part of the motor room ceiling has been proposed.

It is also noted that the motor room is not in the public realm and therefore the impact in terms of appearance is minimised to be only visible to employees entering the room.

Following a site meeting and discussion regarding the situation with Mr Guy Thorpe; the Councils Building Surveyor, it is considered that clear and convincing justification has been provided on the basis of health and safety, and the need for the café to continue uninterrupted trade. However, approval of temporary arrangements should by their nature be temporary and not by default become permanent solutions. The justification provided is sufficient for a temporary arrangement but plans should be made during the temporary period for a long term solution.

6. Conclusion

Paragraph 194 of the NPPF allows for clear and convincing justification to mitigate against the harm caused to a heritage asset. The temporary propping, although restricted to the motor room, is considered to cause less than substantial harm due to its temporary nature, form and appearance being an incongruous addition to the form of the room. It is purely functional and does not consider the character of the heritage asset. However justification in terms of health and safety provides clear and convincing justification for a temporary period only and therefore satisfies the aforementioned paragraph of the NPPF.

In relation to the Hastings Development Management Plan it is considered that the temporary work sustains the heritage asset and subsequently satisfies Policy HN1.

However, considering the need for the proposal to be temporary the consent will expire 5 years after the date of consent being granted and a new permanent proposal will be required

to address the issue in a more long term and satisfactory manner.

These proposals comply with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Grant Listed Building Consent subject to the following conditions:

1. The temporary supports hereby approved shall be for a period not exceeding 5 years, expiring on 2nd June 2025.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

Site plan, H5436/01, HBC2358-01-1A

Reasons:

1. The supports have been justified in line with paragraph 194 of the NPPF as a temporary measure and therefore should only be permitted to remain for a limited period.
2. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
2. The applicant is advised that on or before the expiry of this listed building consent, a new proposal shall be submitted to the local authority for approval that is considered to be a permanent solution regarding structural support.
3. 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.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 16 applies. The works proposed causes less than substantial harm to the designated heritage asset, and that harm has been mitigated by provision of clear and convincing justification.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/LB/19/00699 including all letters and documents