

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 23 February 2022

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR**

**Proposal:** **Proposed removal of low-level walls.**

**Application No:** **HS/FA/21/00979**

**Recommendation:** **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018  
Conservation Area: Yes - Old Town  
Listed Building: No

Applicant: Mr Lee per Baker Architectural Ltd 29 Stirling Road  
Castleham Business Centre East St Leonards on  
Sea TN389NP

**Public Consultation**

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	0
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 Stade Family Amusement Park is located on the seafront in Hastings Old Town. Originally developed during the 1950's upon reclaimed land, the area is split between indoor, outdoor enclosed and outdoor open areas. The enclosed outdoor areas have family rides such as dodgems and a ghost train amongst other large installations. There are a number of low-level walls of modern construction found within The Stade Amusement Park.

These amusements carry a high communal value, are part of a traditional UK seaside offering and make a valuable economic contribution to the area.

The site is within the Hastings Old Town Conservation Area. A majority of the buildings located on the opposite side of East Parade are Grade II listed and the shelter located just to the north of the site is also Grade II listed.

### Constraints

- Flood Zone 3
- Groundwater Flooding
- Surface Water Flooding 1 in 30
- Archaeological Notification Area
- Old Town Conservation Area
- GCN District Licensing Scheme IRZ Red

## **2. Proposed development**

The site has numerous low-level brick walls of modern construction, and these define the rides from the public realm. This application seeks to demolish low level modern brick walls and these are shown as a straight blue line and an L shaped dotted blue line on drawing no. BA2160.05C. These walls are of modern construction and currently define the ride areas from the public realm. The applicant advises that the existing low-level walls are a trip hazard and serve no other purpose other than to separate the site from the existing pedestrian walkway. The applicant advises that following removal of the low-level walls they will relocate the existing kiosk under permitted development rights and install 4 new rides in its place under permitted development rights.

No changes are proposed to the existing pedestrian walkway. The Stade Family Amusement Park is currently accessed from East Beach Street and will remain unaltered. All parking provision will remain as is the current situation.

Some of the existing low-level walls have white painted railings installed adjacent to them. None of the brick walls that are proposed to be demolished have railings installed adjacent to them. The applicant advises that the existing railings are to be maintained in their current form and there are no intentions to remove them or alter them in any way.

The application is supported by the following documents:

- Design and Access Statement
- Waste Statement

### **Relevant and recent planning history**

The site has a lengthy history which is as follows:-

- |                |  |
|----------------|--|
| HS/FA/21/00946 | Proposed extension and refurbishments to main building:<br>NOT YET DETERMINED.   |
| HS/FA/18/01009 | Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and |

	erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty. GRANTED 06 March 2019.
HS/AA/18/00552	New illuminated signage to replace existing (Minor amendment to existing consent to display advertisement) GRANTED 09 August 2018.
HS/FA/18/00325	Alteration of existing shop front and installation of new awning and illuminated signage. GRANTED 08 June 2018.
HS/AA/18/00326	Alteration of existing shop front and installation of new awning and illuminated signage. New illuminated fascia signage to the north and west elevation. GRANTED 08 June 2018.
HS/EX/17/00104	Existing Use as an Amusement Park (Sui Generis) (Go Kart track) ALLOWED AT APPEAL 26 March 2018.
HS/FA/99/00620	Alterations and extension to office. GRANTED 26 November 1999.
HS/FA/99/00023	Erection of a small building to house six children's electric cars. GRANTED 26 February 1999.
HS/FA/99/00556	Refurbishment of existing cafeteria and amusement complex (building) to form family entertainment centre. GRANTED 26 November 1999.
HS/CA/94/00278	Demolition of existing amusements park buildings, rides etc. (proposal relates to redevelopment scheme HS/FA/94/279). REFUSED 04 August 1994.
HS/FA/94/00279	Redevelopment of site, buildings, boating lake and infrastructure as new amusement park including the rides and leisure facilities and relocation of bus shelter (94/278 demolition application also applies). REFUSED 04 August 1994.
HS/FA/86/00891	Reclamation and development of approximately 0.12 HA of the boating lake for recreational uses. GRANTED 16 October 1987.
HS/FA/83/00116	Operation of water tricycles and pedal operated cars. GRANTED 06 April 1983.
HS/FA/83/00330	Reclamation and development of approximately 0.195 hectares of The Boating Pool for recreational purposes. GRANTED 20 July 1883.
HS/FA/81/00360	Erection of pavilion in Boating Lake. GRANTED 22 July 1981.
HS/FA/78/00035	Installation of portable dodgem track. GRANTED 01 March 1978.
HS/FA/75/00137	Continuation of planning consent 74/379 for Junior Go-Kart track, installation of additional track, erection of ranch-type fencing. GRANTED 09 April 1975.
74/00379	Continuation of Planning Consent 70/241 for Junior Go-Kart Track GRANTED 01 May 1974.
72/1236	Erection of cafeteria. GRANTED 29 September 1972
71/1457	Family amenity area boating, putting, rides and equipment catering and souvenir sales. GRANTED 11 January 1972.

60/0441	Erection of 5 lean-to portable kiosks. GRANTED 14 June 1960.
59/0230	Proposed new miniature railway terminal station, waiting room, ticket office, platform and extension of existing track. GRANTED 14 April 1959.
HS/FA/57/00677	Erection of amusements building. GRANTED 08 January 1957.

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy (2014)

Policy EN1 - Built and Historic Environment  
 Policy FA5 - Strategic Policy for the Eastern Area  
 Policy FA6 - Strategic Policy for the Seafront  
 Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
 Policy E4 - Tourism and Visitors

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
 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 HN2 - Changing Doors, Windows and Roofs in Conservation Area  
 Policy HN3 - Demolition involving heritage assets  
 Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest  
 Policy CQ1 - Cultural Quarter

### National Planning Policy Guidance (NPPG)

Design: process and tools

### National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph - 54 Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 52 Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;

- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

### National Planning Policy Framework (NPPF)

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):-

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 195 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 197 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 199 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 200 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:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- 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 201 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- \* the nature of the heritage asset prevents all reasonable uses of the site; and
- \* no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- \* conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- \* the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 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 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 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."

### **3. Consultation comments**

Conservation Officer – No objection subject to the imposition of a condition seeking to retain the existing railings in their current form (Condition 4).

Nature Space – No objection.

Marketing and Projects Manager – No objection

Estates Manager – No objection.

### **4. Representations**

In respect of this application 3 x site notices were displayed in front of the site along East Parade and an advert placed in the local paper. 17 Objections were received raising the following concerns:-

- Will the iron railings be removed?



- The 4 rides proposed will be too cramped.
- Attention should be paid to the safety aspects of this part of the proposal.
- These works will result in the closure of the public access to the east end of the park.
- The new location of the kiosk means it serves directly onto the pavement which is already a pinch point ESCC need to be consulted.
- Parking is mentioned but there is no allocated parking.
- The height of the new rides has not been specified.
- The impact on the conservation area has not been assessed.
- Natural England needs to be consulted.
- This is a flood risk area and Environment Agency needs to be consulted.
- The existing walls delineate the access to the public walkway and this will be lost.
- The rides are too close to the jetty.
- Any removal of these walls will allow removal of the walls along the seafront. and those around the Swan Pedalo Lake.
- New height restrictions of the walls are shown.
- The application allows further closure of the public access to the beach by allowing for the closure of the access path between the Hastings Miniature Railway terminus and the 'temporary kiosk' owned by the applicant.
- The independently run Miniature railway has its terminus at this end of the beach and the proposed changes to the wall and fences may result in closure to this long running, family friendly attraction.
- Can clarification be sought on the employment figures.
- None of the rides provide enjoyment for disabled visitors.
- The site will remain inaccessible to disabled users.
- This development will allow expansion that is not in keeping with the heritage of the Old Town.
- This will lead to an increase in crime, antisocial behaviours, and will make the area less safe for children.
- Holiday makers will overcrowd queueing for ice cream due to the relocation of the kiosk to face the footway of the main road at the junction of 2 footpaths.
- The seafront will be overwhelmed by the expansion of this site and The Old Town and the economy in it will suffer.
- The low-level walls are part of the historic character of the seafront and their loss is regrettable.

The application has been called in to the Planning Committee by Councillor Hilton for the following reasons:

- ESCC Highways need to be consulted.
- Conservation officer needs to be consulted. Historic England needs to be consulted.
- This is an ANA (Archaeological Notification Area) – County Archaeology needs to be consulted.
- This is a flood risk area SUDS - Environment Agency need consulting.
- Effect on blocking pavement – congestion point. The new location of the kiosk will mean it serves directly onto the pavement which is already a pinch point (pavement temporarily widened during 2020 covid crisis).
- Height of new rides not specified – effect on conservation area/listed buildings?

- Permission from the Foreshore Trust for these new rides obtained.
- Guaranteed that public access will be maintained 24/7.
- Are walls property of amusement park or HBC? Ownership? What about railings?
- HER assessment in conservation area/ listed buildings. Heritage statement required.
- Parking is mentioned. There is no allocated parking – cars park on the public access areas currently – require this to be conditioned.

## 5. Determining issues

The main considerations are the principle of development, the impact of the loss of the existing low-level brick walls on the character of the Old Town Conservation Area and setting of nearby Listed Buildings, the impact of the development on pedestrian access and safety, impact on neighbour amenity, impact on Great Crested Newts and flooding matters.

The Planning (Listed Building and Conservation Areas) Act 1990 states with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that 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.

The principle of improving / extending The Stade Amusement Park would be in accordance with Policy E4 of the Local Planning Strategy (2014).

### b) Impact on character and appearance of the Old Town Conservation Area and setting of nearby Listed Buildings

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

*‘Applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset:*

- *The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.*
- *Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.*

*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 (including conservation areas)’.*

The National Planning Policy Framework (NPPF) seeks to protect designated heritage assets and the impacts proposed developments have on them. The NPPF states that the significance of the heritage asset can be harmed through development within its setting and great weight should be given to the asset's conservation, and also advises that when less

than substantial harm is made to the heritage asset, this harm should be weighed up against the public benefits of the proposal.

The application site lies within the Old Town Conservation Area and within the setting of numerous Listed Buildings. A majority of the buildings located on the opposite side of East Parade are Grade II listed and the shelter located just to the north of the site is also Grade II listed. Whilst the low-level walls are fully visible from the Old Town Conservation Area and the setting of numerous listed buildings, they are of modern construction and only serve to define ride areas from the public realm. As such they do not make a contribution to the special character of the Old Town Conservation Area and the setting of listed buildings. Therefore their loss would not detract from the historic significance of the character and appearance of the Old Town Conservation Area and the setting of nearby Listed Buildings.

The applicant confirms that the existing historic railings are to be retained in their current form and there is no intention to make changes to or remove them. Given this, it is considered that the proposed demolition of the existing modern low-level walls outlined by blue dotted lines on drawing no.BA2160.05C would not detract from the historic significance of the Old Town Conservation Area and the setting of the listed buildings nearby, and as such the proposed development would be in accordance with Policy EN1 and E4 of the Planning Strategy and Policies DM1, HN1, HN2, HN4 and CQ1 of the Development Management Plan and the aims and objectives of the NPPF. The views of the Conservation Officer have been sought and they concur with this assessment subject to the existing railings being retained in situ in their current form (Condition 4).

#### c) Pedestrian access and safety

This application does not seek to make any changes to the existing pedestrian walkway or footpath. The applicant has confirmed this by email and has submitted drawing no. BA2160.06 to confirm this. This drawing shows the location of the footpath as approved under ref HS/FA/18/01009, and the low-level brick walls that are proposed to be demolished under this planning application (shown in blue dotted lines on drawing no. BA2160.05C). Given this, it is not considered that pedestrian access and safety will be harmfully affected by the proposed development.

It is noted that a number of the local residents have referred to the existing walkway through the site (adjacent to the boating lake) from the beach to the A249 as a designated Public Right of Way and they raise concern that the walkway will be lost as a result of the proposed development. East Sussex County Council records indicate that the walkway has not been formally adopted as a Public Right Of Way. For clarity this walkway is not a public right of way. The right of way is 'by right' and not 'as of right', which means that the right is given by the owner of land to the public and can potentially be taken away again. A formal request was made to East Sussex County Council many years ago by members of the public to make the pathway a 'right of way'. This application was refused by East Sussex County Council. The refusal was then appealed against and the appeal was lost.

In this current application and as discussed herein the applicant confirms that they do not seek to make any changes to the existing walkway/footpath.

#### d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should

be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed removal of the low-level modern brick walls (shown as blue dotted lines on drawing no.BA2160.05C) would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and the available separation distances from residential properties. Given this, it is considered that the proposed development would be in compliance with NPPF policies and policy DM3 of the Hastings Development Management Plan 2015.

#### e) Impact on Great Crested Newts

The development falls within the red impact risk zone for Great Crested Newts. In the red zone there is suitable habitat and a high likelihood of Great Crested Newts presence. Whilst there is a pond within 500m (boating lake) of the application site, there is very limited connectivity between the site and boating lake and the area in-between the two consists of hardstanding. Given the size of the proposed development and that there is lack of connectivity to the nearby pond (boating lake) it is considered that a development as proposed would not cause any impact on Great Crested Newts. As such it has not been found necessary to consult Natural England.

#### f) Flood Risk

Whilst the site is in an area of identified risk from surface water flooding, the demolition of the existing low level modern brick walls (shown as blue dotted lines on drawing no.BA2160.05C) will not cause harm or increase risk to safety significantly beyond the current situation. Given this the development is therefore considered to be acceptable. For this reason, it has not been found necessary to consult the Environment Agency on this development proposal.

#### g) Other matters

Neighbours raise concerns that various consultees should have been consulted on this planning application. Officers confirm that the correct procedures have been followed with regard to consulting with statutory consultees and in considering representations. All relevant consultees have been consulted and their comments have been taken into account in the assessment of this planning application. In addition, neighbours raise concern that planning permission has not been sought for the relocation of the kiosk and the installation of the 4 new rides. Officers advise that this is Permitted Development under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 which allows (a) the erection of booths or stalls or the installation of plant and machinery to be used for or in connection with the entertainment of the public within the amusement park, and (b) the extension, alteration or replacement of any existing booths or stalls, plant or machinery used. As such Planning Permission is not required for this.

## **6. Conclusion**

Policy E4 of the Planning Strategy (2014) advises that the upgrading of tourist facilities in the Borough will be encouraged where it increases the range and/or quality of tourist facilities. Given this it is considered that the principle of improving this tourist facility is supported by

policies.

The low-level modern walls that are proposed to be demolished (shown as blue dotted lines on drawing no.BA2160.05C) are of modern construction and currently do not make any contribution to the historic significance of the Old Town Conservation Area and the setting of nearby Listed Buildings. As such there is no objection to their loss. The applicant confirms that the existing historic railings are to be retained in their current form and there is no intention to make changes to or remove them.

The concerns raised by neighbours are noted, in particular the concerns about the impact of the development on the appearance and character of the Conservation Area and nearby Listed Buildings, the impact on the existing pedestrian walkway, the impact on the existing parking situation, matters relating to accessibility of the site to disabled users, flood risk matters, and matters relating to antisocial behaviour. These matters have been carefully assessed within this report and Planning officers are of the opinion that the demolition of the existing modern walls (shown as blue dotted lines on drawing no.BA2160.05C) would not cause harm to any of these matters.

As such these proposals comply 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:

BA2160.03, BA2160.04, BA2160.05C and BA2160.06.

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. The existing railings shall be retained in their current form, and this decision shall not be construed as granting Planning Permission for alterations to, or removal of the railings.

### **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.
4. In the interests of the historic integrity of the Old Town Conservation Area and the setting of nearby Listed Buildings.

### **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 reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill Great Crested Newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should Great Crested Newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

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### **Officer to Contact**

T Zulu, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/21/00979 including all letters and documents