

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 01 June 2022

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

**Application address:** **Miniature Golf and Crazy Golf Courses on the Stade, Marine Parade, Hastings, TN34 3AG**

**Proposal:** **The enclosure of the existing pirate golf course with a part 1 part 2 storey building**

**Application No:** **HS/FA/22/00005**

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

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

Applicant: Saris Leisure per NCA Neil Choudhury Architects  
170 North Street Brighton BN1 1EA

**Public Consultation**

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	No
People objecting:	56
Petitions of objection received:	0
People in support:	54
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 site lies directly on Hastings Seafront providing an unenclosed Pirate Golf Course, as part of a wider leisure and tourism offer provided by the applicant. To the immediate north and north west of the Pirate Golf course (to which this application relates) are two further golf courses within the applicant's control. A pedestrian walkway runs along the site's southern boundary, separating it from an existing children's play area that lies directly adjacent to the beach and the sea.

To the east are further cafe buildings and outside seating forming part of the wider leisure offer, together with Hastings and St Leonards Angling Club which occupies a single storey building originally constructed in the 1970s. There is also a trampolining centre and Multi Use Games Area. To the west is Pelham Place, a large surface level car-park accessed from Marine Parade. The A259 runs to the north of the complex, separating it from the range of commercial uses operating in existing buildings on Marine Parade and Pelham Place.

The site lies within the Old Town Conservation Area and falls within the setting of numerous listed buildings, including those facing onto Hastings Seafront, such as the houses at Pelham Crescent and Pelham Place (Grade II\* Listed), properties in Marine Parade and East Parade (all Grade II), and Hastings Castle/Ladies Parlour (Grade I Listed, Scheduled Monument). Given the open nature of this part of the Seafront, views are also possible to Hastings Pier, which is also Grade II listed.

The application site itself is set down approximately 0.5m from the adjacent walkway and promenade.

### Constraints

- Old Town Conservation Area
- Area affected by surface water flooding (1 in 100, 1 in 1000)
- Land owned by the Foreshore Trust
- SGN Low Pressure Pipeline
- Hastings Historic Core Archaeological Notification Area
- Flood Zone 2, 3 and 3a
- Great Crested Newts District Licensing Scheme - Red Zone

## **2. Proposed development**

It is proposed to construct a part single, part 2 storey building over the existing Pirate Golf Course to provide an enclosed golf course that can be operated all year round, together with a cafe and terrace area at first floor level. The first floor is smaller than the built form at ground floor level, set in from the sides to provide terraced areas to serve the cafe, as well as landscaped areas. The new building will link up to the existing kiosks and office areas that serve the retail provision to the north east. Emergency and disabled accesses are provided for within the layout of the building, which include a fully Building Regulations compliant lift. This is in the form of a conventional (rather than platform) lift which exceeds the requirements of Part M of the Building Regulations, measuring 1100mm x 2100mm, with automatic push button operation, automatic doors and Braille marking to controls.

Materials proposed include tile cladding and a timber boarded screen at first floor level. Gabion cages filled with beach cobble form the low level plinth of the south elevation, as well as forming part of the north elevation. The building facades, however, are to be predominantly glass to promote views through the building towards the sea.

Both ground and first floor roofs will be part planted with beach tolerant plants species, and partly covered in beach shingle. The intention is that it reads as a raised beach, whilst also providing for a sustainable drainage solution.

Key dimensions of the building are:

- 69m long east to west running parallel to the promenade
- maximum 31m wide tapering to a minimum 14.5m wide North to South

- the primary roof eaves are 4.1m above promenade level
- the pavilion roof eaves are 7.4m above promenade level
- the internal ground floor area is 1,400 sqm
- the internal first floor area is reduced to 425 sqm.
- overall site area 7,820 sq m

The reduced first floor means that the proposed café at the east end of the building pulls back 0.75m in all directions from the perimeter of the building. The toilets have been moved to the ground floor to enable the first floor back of house area to be set back 1.1 metres from the eastern boundary.

12 cycle parking spaces are to be provided in the form of a 6 rack cycle stand.

The two further golf courses (Crazy Golf and Adventure Golf) to the immediate north and north west of the application site will remain open and unenclosed.

The application is supported by the following documents:

- Air Quality Mitigation Statement (Air Quality Consultants, December 2021)
- Archaeological Desk Based Assessment (HCUK Group, November 2021)
- Flood Risk Assessment (Neil Choudhury Architects, December 2021)
- Planning Statement (Freeths, December 2021)
- Waste Minimisation Statement (Neil Choudhury Architects, December 2021)
- Design and Access Statement - Rev A (Neil Choudhury Architects, March 2022)
- Economic Benefits Statement (Saris Leisure Group, March 2022)
- Heritage Impact Assessment - Version 2 (HCUK Group, March 2022)
- SUDs Decision Support Tool for Small Scale Development - Rev (March 2022)
- SUDs Statement (Neil Choudhury Architects, March 2022)

### **Relevant planning history**

HS/FA/18/00754 Remodel existing trampoline ticket office under existing roof and re-clad. Extend kiosk to form children's party hut. Extend service yard and part cover the roof and add trampolines

GRANTED 28 April 2020

HS/FA/17/00776 Form Dutch gable style roof and re-clad existing ticket office and kiosk. Replace timber and upvc windows to cafe with aluminium frame sliding glazed patio doors and aluminium windows. Replace small area felt roof with single ply membrane to match other roofs

GRANTED 2 November 2017

HS/FA/15/00580 Promenade improvements and additions to existing cafe building

GRANTED 27 August 2015

HS/FA/11/00201 Alterations to existing sales area for ticket sales to Adventure and Crazy Golf course

GRANTED 27 April 2011

- HS/FA/10/00428 Landscaping and Remodelling of existing Mini Golf Course  
GRANTED 8 October 2010
- HS/FA/00/00424 Construction of adventure golf course with ancillary kiosk with basement storage and general upgrading  
GRANTED 7 September 2000
- HS/FA/93/00185 Erection of extension to existing ticket office for ice cream sales  
GRANTED 24 June 1993
- HS/FA/90/00588 Reconstruction of putting course and landscaping  
GRANTED 19 September 1990
- HS/73/01164 Erection of ticket office and store, and laying of a crazy golf course and putting green  
GRANTED 11 December 1973
- HS/72/01371 Excavation of beach, laying out of two grassed areas and construction of additional promenade  
GRANTED 12 December 1972
- HS/61/00093 Extension to existing amusement kiosks  
GRANTED 14 March 1961
- HS/FA/52/00221 Erection of three kiosks - renewal of consent  
GRANTED 11 May 1957

### **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 SC2 - Design and Access Statements
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC7 - Flood Risk
- Policy EN1 - Built and Historic Environment
- Policy EN3 - Nature Conservation and Improvement of Biodiversity
- Policy E4 - Tourism and Visitors
- Policy CI2 - Sports and Leisure Facilities

#### 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  
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest  
Policy HN8 - Biodiversity and Green Space

#### Revised Draft Local Plan (Regulation 18)

Strategic Policy 4 (SP4) - Business Development - Retail and Leisure Uses

#### Other policies/guidance

National Design Guide  
Air quality and emissions mitigation guidance for Sussex (2021)

#### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance

with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 195 of the NPPF states that 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 199 of the NPPF states that 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 202 of the NPPF states that 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.

### **3. Consultation comments**

Nature Space - **no objection subject to the imposition of an informative (Informative 3)**  
Satisfied that if the development was to be approved, it would not cause an impact on Great Crested Newts and/or their habitats.

Southern Water - **no objection subject to the imposition of an informative (Informative 4)**

Note that Southern Water can facilitate water supply and provide foul sewerage disposal subject to an application to connect to the sewer.

Historic England - **objection, although acknowledge the Local Planning Authority should assess that the level of harm caused has been fully justified.**

Do not object to the principle of redeveloping the site, acknowledging the contribution the existing facilities make to the character and vitality of the Seafront. However still consider the proposals to cause harm to the significance of the Conservation Area.

East Sussex County Council (SUDS) - **no objection subject to the impositions of conditions (Conditions 9-11)**

Note that whilst the information provided has not satisfied all the Lead Local Flood Authority's requirements, they consider this can be addressed through suitably worded conditions.

Environment Agency - **no objection**

Raise no objection to the proposal as submitted.

East Sussex County Council (Archaeology) - **no objection subject to the imposition of conditions (Conditions 7-8)**

Require a Written Scheme of Investigation and Programme of Archaeological works.

East Sussex County Council (Highways) - **no objection subject to the imposition of conditions (Conditions 12-13)**

Require conditions to secure additional cycle parking and a Construction Management Plan.

Building Control - **no objection**

Note that the proposed lift meets the minimum requirements for the Building Regulations. Suggest lift enhanced to meet full accessibility requirements (scheme amended to suit).

The Foreshore Trust - **no comments to make on the application**

Acting as Estates Manager for the Foreshore Trust, there are no comments to make on the application.

Hastings Borough Council (Estates) - **no objection**

Confirm no objection is raised with regard to the planning application.

Hastings Borough Council (Waste) - **no objection**

Note that waste storage areas are already in situ and the waste generated currently causes little or no detriment to the locality.

Hastings Borough Council (Planning Policy) - **no objection subject to further consideration of heritage impacts**

Support the development of the site taking account of the significant positive benefits for the local economy and tourism, subject to the consideration of the level of harm caused to designated heritage assets.

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions and Informatives (Conditions 3-6 and Informatives 5-6)**

No objection in principle subject to the imposition of conditions relating to hours of construction works and deliveries, noise, odour, health and food safety.

Hastings Borough Council (Marketing & Major Projects Manager) - **no objection**

Notes the importance of tourism to the local economy and fully supports the provision of all year round facilities.

#### **4. Representations**

In respect of this application, 4 site notices were displayed around the site and in main thoroughfare areas at both the initial consultation stage, as well as following the receipt of amended plans. 54 letters of support were received (from 54 individuals/organisations) and 57 objections from 52 different people/organisations.

No petitions of support or objection were received.



A summary of the concerns raised is as follows:

- The proposal will have a detrimental impact on the setting and appearance of the Conservation Area
- Surrounding development is single storey in scale, reflecting a gradual establishment from the shoreline to Sturdee Place
- The proposal will break the relationship between the shore and the historic Old Town
- Loss of far reaching open views
- Development will overwhelm and overshadow the existing public access path running north to south, to the east of the site
- Lift does not meet Building Control or Equalities legislation
- The proposed scale and mass is not appropriate in this location
- Have not adequately demonstrated economic benefits
- Lack of quality in design terms, as well as the materials proposed
- Does not fit in with the distinctive character of the Old Town
- Footprint is too large
- Will set a precedent for future development along the Seafront
- Unattractive design and development
- Do not need more cafes in the town
- Other more suitable sites are available elsewhere
- Will change the nature of the Seafront
- Not necessary to enclose the existing course
- Scars views from the West Hill
- Lack of consultation with the public on the proposals
- Crazy golf should remain outdoor like other beachfront activities
- Would make existing walkways less user friendly
- No flood mitigation measures
- Overly illuminated and heated

Support comments note the following:

- The site owners have continued to invest in the area and will provide a showpiece of what modern seaside leisure development should look like
- We should encourage continued support and investment in the town, which is what is being shown here
- Views to the sea area already limited given site levels and mature landscaping present
- Height of the building is considerate of the surroundings, taking account of the height of the lifeboat building and funfair rides
- Proposal will contribute the tourist season which is already limited and weather dependent, benefiting other local businesses in the surrounding area
- The town will gain a venue with a view
- This is a tourism destination, and development will attract more visitors all year round
- The design, scale and massing is in keeping and sympathetic to the area
- Will help make Hastings a top destination over the long terms
- Will allow all to enjoy the much loved pastime (mini-golf)
- Proposal is a true 21st Century advancement that Hastings needs
- Indoor golf is popular in other towns
- Will enhance existing facilities on site
- Will increase employment opportunities, both permanent and seasonal
- Provides for many social benefits - helping families and friends to engage with each other
- Will encourage further investment in the town
- Scheme doesn't attempt to over develop the site, leaving 2 of the 3 courses as they are
- Existing tourist attractions cannot support the season for very long - something else is

needed

- Will be the start of a new Hastings marching forward and not resting on the past
- Site is well served by parking and will not increase hard landscaping on the Seafront
- Roof planting is a welcome addition
- This is a well established business that will last
- All investment in the town should be encouraged

## 5. Determining issues

### a) Background

The site is not allocated in either the adopted or emerging Local Plan but is recognised as providing a vital contribution to the Town's tourism offer, as well as the local economy. The applicant has worked closely with the Local Planning Authority at both the pre-application stage and during the course of this application process, resulting in the scheme being significantly amended from the original proposals. The applicant has also undertaken consultation with the wider community prior to submission. These details are set out in Appendix 1 of the submitted Planning Statement (Freeths, December 2021).

### b) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

### c) Impact on character and appearance of the Old Town Conservation Area

The Old Town as a whole is an exceptionally attractive area, rich in historic buildings and associations. It is well-protected by its Conservation Area designation, the listing of buildings, and the self-interest of the many tourism-related businesses in the area.

S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercise of its planning powers in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

Paragraph 195 of the NPPF instructs Local Planning Authorities to 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 199 instructs that great weight must be given to the conservation of heritage assets, with paragraph 200 stating that any harm that will be caused should require clear and convincing justification. Where less-than-substantial harm would be caused, paragraph 202 explains that this must be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use.

Policies HN1 and DM1 of the Development Management Plan 2015 require applications that have the potential to impact upon the significance of designated heritage assets to be assessed against their siting, scale, height, appearance and materials, and that permission will be given for those schemes that show a full understanding of the significance of the

asset and that proposals must reach a good standard of design and take account of protecting and enhancing local character and show an appreciation of surrounding neighbourhoods historic context.

### What is the significance of the affected heritage assets?

To assess the requirements of the NPPF and Local Plan policy, it is important to first understand the significance of the heritage asset(s) in question.

The significance of a heritage asset is a measure of the value of the asset to this, and future, generations because of its archaeological, architectural, artistic or historic interest. In Hastings however, there is no formal statement of significance or adopted Conservation Area Appraisal for any of the conservation areas and as such, each case is assessed on its own merit, taking account of the wider historic context. This includes the number and type of listed buildings and the identified Scheduled Monument, their location and views, to and from the site, and their context in relation to the proposed development

In considering this significance, the Council's Conservation Officer notes that the Old Town Conservation Area has a distinctive character, and both the Conservation Officer and the submitted Heritage Impact Assessment note the presence of historic buildings at the base of the sea cliffs, on the north side of the A259 (including properties within Pelham Arcade, St Mary in the Castle, Pelham Crescent, Marine Parade and East Parade), together with Hastings Castle, a Grade I Scheduled Monument sited at the top of the cliff. It is noted that all development along this part of the Seafront will contribute to the setting of the Castle, old and new, given its location and the views afforded from the hilltop position over the coastline. The outlook from both Hastings Castle and the listed buildings at Pelham Place to the beach and beyond, also includes a substantial car park to facilitate the more modern development on the south side of the Seafront.

The Conservation Area itself was designated in 1968 and the boundary takes in the Castle at the southwestern edge, West Hill, the cluster of historic shopping and residential streets extending north from the Seafront, Hastings Country Park (elevated above the seafront) to the east and the seafront, including the Site and Pelham Crescent/Pelham Place. The Old Town however, is very much the focus of the designation, with Croft Road, High Street, The Bourne, All Saints Street and Tackleway all extending north from East Parade and the Seafront. This area remains largely unchanged and retains a strong sense of character.

It is important to note however, that the site to which this application relates is located away from the historic core of the Old Town itself, in a more commercial location, directly on the promenade adjacent to the beach.

### Is there harm caused and if so, how much?

Determining whether the harm caused by a proposed development is substantial or less than substantial is a matter of judgement, having regard to the circumstances of the case and policy in the NPPF. Generally, substantial harm does not differ significantly from the total loss of the significance of the heritage asset. Importantly, it is necessary to note that it is the degree of harm to the asset's significance, rather than the scale of development that is to be assessed.

The ground floor of the proposed building would cover the length of the existing Pirate Golf course, although this is to be made slightly smaller to accommodate the enclosure. An existing low level wall on the western boundary of the site is to be removed, creating more enhanced space and circulation in the north to south pedestrian access between the

application site and the adjacent Crazy Golf course.

Development at first floor level introduces a large terrace and round shaped café, subservient to the ground floor enclosure. Materials are of good quality, and the use of glazing, Gabion cages, timber and reflective tiles is considered to draw from the surrounding historic context as well as providing an element of visibility through the development towards the beach and beyond. It is noted however, that some of the colour choices could be enhanced, and should permission be granted, it is recommended that further details of materials and finishes are secured by the imposition of Conditions 14 and 15, in accordance with Conservation Officer advice.

The inclusion of green roofs is considered to significantly reduce the impact when compared to previous schemes when viewed from above, particularly in terms of the setting of the Grade I Listed Castle and Ladies Parlour. The scheme is now considered to blend in more smoothly, thereby reducing the impact on the setting of these designated heritage assets.

Notwithstanding the above, it is acknowledged that the scale, massing and height of the building does introduce a new type of development to this part of the Conservation Area. Whilst it would become the largest on this part of the Seafront, the height of the building is not significantly greater than the ridge height of the nearby Hastings and St Leonards Sea Angling Association, which sits 5.2m above the promenade, compared to the first floor height of the new building, which is 7.4m above the promenade. The impact of the height of the existing seafront rides and Lifeboat Building should also be considered in this context. Furthermore, the height of the building is also reduced visually, given that it is set down approximately 0.5m from promenade level, taking account of the existing arrangement of the golf course.

It is also acknowledged that the open aspect of this part of the seafront will be partly lost. However, it is important to note that views from the A259 towards the sea are also already obstructed by high level structures and landscaping within the golf course development, and the inclusion of large expanses of glazing in the facades help with the relative transparency of the building, thereby reducing its impact in this respect.

Taking the above considerations into account, it is accepted that the principle of a building on this site, particularly given the addition of a second storey, does cause harm to the significance of the Conservation Area. This harm, however, is considered to be less than substantial, thereby enacting paragraph 200 of the NPPF, which requires justification of this harm and paragraph 202, which requires the level of harm to be weighed against the public benefits of the proposal.

Both the Council's Conservation Officer and Historic England agree with the finding that the harm caused by the proposal is less than substantial.

#### Is the harm justified?

To comply with paragraph 200 of the NPPF, as well as Policy HN1 of the Development Management Plan 2015, the applicant has sought to provide justification for the proposal through the following submissions:

- Planning Statement (Freeths, December 2021)
- Design and Access Statement - Rev A (Neil Choudhury Architects, March 2022)
- Economic Benefits Statement (Saris Leisure Group, March 2022)
- Heritage Impact Assessment - Version 2 (HCUK Group, March 2022)
- Written responses to Conservation Officer comments (April 2022)

A summary of this justification is provided below.

### **Economic benefits**

The main cause of the less than substantial harm results is from the inclusion of a first floor to the proposed building. In summary, it is argued that this harm is justified given that the additional café and covering of the course will allow all year round operation by providing an enclosed all-weather facility. Although the courses currently open 364 days a year, winter months and inclement weather substantially reduce visitor attraction operating hours. The café/catering side of the business is further limited by the seasonal weather. It is noted in the supporting documents that the development will result in an estimated 40,000 extra visitors per year with the majority in the winter months that would otherwise be deterred due to the weather conditions. This will increase visitor spend in the area all year-round, contributing significantly to the local economy.

The proposed first floor cafe extension is also identified as being necessary to support the increased need in cafe space as a result of the 40,000 additional visitors. The lack of internal seating in existing outlets means that they will not be able to serve these increased catering needs without additional internal floorspace. The proposed development includes a direct internal route from the course, which will help retain spend in the immediate area, as well as providing opportunities for existing business with the increased number of visitors. The orientation of the building, taken together with the expanse of glazing in its design, will offer uninterrupted views across the sea, making it a key tourist destination that can help improve landowner and investor confidence in this part of the Town, as it works to recover from the effects of the pandemic and support the increased attraction of UK tourist destinations.

It is argued that reducing the playing area at ground floor level to accommodate the cafe there (thereby removing the first floor level) is not a viable option. This is because the courses comprise the only site in Europe to host 3 full size championship courses, making it one of the main attractions for Hastings. Extending the use of the facility for national and international competitions beyond the summer months is also argued by the applicant to increase hotel occupancy outside of the season, as well as offering multiplier benefits for local businesses.

Furthermore, it should be noted that the proposal, should it be accepted, will generate a minimum of 18 full time equivalent jobs, leading to 40 permanent roles plus additional seasonal jobs.

### **Social and environmental benefits**

The site in its current form has limited biodiversity benefits, albeit that there is presence of planting within the course itself. The inclusion of green roofs comprising of planting and shingle provides a clear opportunity for biodiversity enhancements, whilst also providing a suitable surface water management mechanism. Furthermore, the wave form of the building facades provides an opportunity for additional planting around the proposed development, not only to soften the transition from the building to the promenade, but also to provide additional environmental benefits.

As discussed above, the enclosure of the golf course will allow it to be used all year round, providing a tourist attraction and leisure facilities for all ages and abilities. Many of the supporters of the scheme in their representations highlight the social benefits of the proposed development particularly in terms of opportunities for families and young people to enjoy the facility together, as well as its associated health benefits by providing an

opportunity for physical activity.

Whilst the Council's Conservation Officer does not consider the harm to have been adequately justified through the applicant's submission, it is important to consider the proposal in the wider context of sustainable development, and not just in terms of specific heritage issues. Historic England advise that it is up to the Local Planning Authority to determine this level of justification, and in this instance, the Planning Officer recommendation is for approval, taking account of the justification provided in support of the application as summarised above.

#### Consideration of the proposal's public benefit

In accordance with paragraph 202 of the NPPF, following the assessment of justification, it is a requirement to consider the public benefit of the proposal, and subsequently, determine whether this outweighs the level of harm caused.

Tourism is vitally important to Hastings, and in 2019 (the last full year before COVID) supported over 7,000 jobs in the town. During this period, it was estimated that the total value of tourism activity was over £385m. Good "all weather" attractions are likely to help improve the visitor economy all year round, importantly creating more permanent jobs both directly, and indirectly, through visitor spend elsewhere, including supporting the Town's hotel and bed and breakfast offer. Continued investment in tourism infrastructure is important to both retain existing visitors as well as attracting new, in line with the Council's more strategic priorities and policies as set out in detail in section f) below. The cafe will also act as a destination in its own right, providing a facility with clear views across the sea, encouraging customers to linger longer, with a consequent increase in trade and benefit to the local economy. Providing an all year round, and upgraded facility, is also considered to encourage further sport and recreation activities, provided enhanced biodiversity and landscaping on the site, all of which contribute to wider health and well being matters, as well as improving quality of life of the Town's residents and future visitors.

#### Assessment in line with the requirements of the NPPF

Paragraph 202 of the NPPF states that 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.

The assessment above has determined that the level of harm caused from the development will lead to less than substantial harm; a determination agreed by both Historic England and the Council's Conservation Officer in their formal responses. Thus, the key issues to consider are:

- i. whether or not the public benefits of the proposed development outweigh the level of harm caused; and
- ii. whether the proposed development will help to secure the site's optimum viable use.

Whilst it is acknowledged that the development is within the setting of several listed buildings, there is a clear separation of the application site on this part of the Seafront, by way of the pre-existing leisure facilities and amusement park, from the historic core of the wider Old Town. The proposed building will be sited adjacent to heritage insignificant parking areas and modern leisure facilities, thereby reducing its prominence in the streetscene, when compared to providing such a building in the more 'heritage rich' built form on the north side of the A259, leading towards the Old Town itself. As such, it is considered

that what the setting makes to the significance of the Conservation Area would not be undermined to such a significant extent than it would if placed in an alternative location deeper towards the Old Town or away from the promenade.

It has also been demonstrated that the proposal will have clear public benefits in terms of the local and visitor economy, providing additional long term employment, health and well being, as well as helping to create a further attraction to boost the town's tourism offer in accordance with the Council's own strategic objectives as set out in Policies FA6 and E4 of the Hastings Planning Strategy 2014. The enclosure of the pirate golf course will also help secure the site's optimum viable use by providing an all year round attraction, currently restricted by it being weather dependent, resulting in it being fully used only on a seasonal basis. Taking these matters into account, it is considered that while the resultant less than substantial harm caused to the significance and setting of designated heritage assets is regrettable, this harm is not such that it outweighs the public benefits of the proposal, taking account of the fact that the development will help to secure the optimum viable use of this well known and well used part of the Seafront. Historic England have confirmed that should permission be granted contrary to their advice, this will not result in the application being 'called in' by the Secretary of State for determination.

Paragraphs 200 and 202 of the NPPF, and Policy HN1 of the Development Management Plan 2015 are therefore complied with, taking account of the above detailed assessment of the case.

#### d) Archaeological implications

This application is accompanied by a detailed desk-based Archaeological Assessment that places the site in an archaeological and historic context. The site lies within an Archaeological Notification Area (a non-designated heritage asset) associated with the historic core of medieval and post-medieval Hastings, The Priory and Castle.

The desk-based Archaeological Assessment confirms that the application site has the potential to contain significant buried archaeological remains dating to the Saxon (early medieval) medieval and post-medieval periods. The assessment also states that the site may contain archaeological remains of prehistoric origin, including extant peat deposits with the potential to hold well - preserved waterlogged structures, artefacts and palaeoenvironmental evidence.

It is acknowledged that the site has in the past almost certainly been subject to dynamic coastal changes and that these may have had an impact on, or indeed removed, any archaeological remains present. However, the precise nature and impact of these coastal changes remains unknown. Accordingly, any groundworks undertaken in association with this application do still have the potential to expose/disturb buried archaeological features, deposits and artefacts of significance. In light of this, the area affected by the proposals should be the subject of a programme of archaeological works to enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This will be secured by Conditions 7 and 8, should planning permission be granted.

Subject to the works being undertaken in accordance with an approved Written Scheme of Investigation and Programme of Archaeological Works, it is considered that the proposal will ensure that the archaeological interest of the site will be satisfactorily preserved either in situ or by record, in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and Policy HN4 of the Development Management Plan 2015.

#### e) Layout

The proposed layout seeks to retain the Pirate Golf course at ground floor level, with the proposed enclosure linking up to the existing back of house/office environment and existing kiosks to the north east of the application site. A new, fully enclosed lift that exceeds the minimum requirements of the Building Regulations enables visitors using the golf course to travel to the new first floor level internally, without using the new external staircase on this eastern boundary. Disabled access ramps and an emergency escape are also featured at ground floor level.

The external staircase leads up the large, terraced area at first floor level, where the cafe is to be situated. This is significantly subservient to the ground floor area, and it is understood that it is intended to serve approximately 124 covers in terms of capacity. Toilets are also identified at this level, with 2 x dumb waiters to help with service requirements.

The waste storage area that is already in situ, contains the waste currently generated well, and causes little or no detriment to the locality. These existing resources will continue to be utilised, with increased frequency in collections, should they be required. The Council's Waste team raise no objection in this regard.

The proposed layout has been amended throughout the course of the application to contribute to reducing the scale of the first floor addition as much as possible, whilst still enabling the cafe to function. No objection is raised from statutory consultees in terms of the internal layout, and the Council's Environmental Health and Waste teams consider the proposed use to be able to function effectively. Full disabled access is provided for, and as such the proposed scheme is considered to comply with both Policies DM3 and DM4 of the Development Management Plan in terms of functionality and access requirements.

#### f) Proposed leisure and recreational use

In addition to the detailed assessment of the proposal's public benefit set out in section c) above, it is important to consider the development in the wider context of the Council's own Planning Strategy 2014 and its aspirations strategically as set out in adopted policy.

Policy FA6 of the Hastings Planning Strategy 2014 provides a strategic direction for the Seafront, specifically noting (amongst other things in that policy) that along the Seafront the Council will:

"encourage the regeneration of key landmark sites along the Seafront, from the Stade to West Marina, supporting development that builds on the Seafront's distinctive heritage and attractiveness as a destination for leisure and recreational activity; and encourage the development of all year round tourist attractions to provide permanent jobs"

Furthermore, a key theme running through the Hastings Planning Strategy and reflected in Objective 7 and Policy E4, is the need to support and provide for the local tourism sector. This includes providing a more diverse and high-quality tourism offer which encourages a longer tourism season.

The proposed development would provide for an all-year-round attraction on the seafront and an upgrading of the offer of a key tourist attraction in the town, clearly in accordance with both Policies E4 and FA6.

The proposal also identifies that there will be 18 full time jobs generated by the proposal alongside an estimate 40,000 extra visitors per year to the attraction with many of these



expected to be over the winter season. This again supports policy aims of Policies FA6 and E4, as well as supporting wider positive economic impacts including associated spend in the local economy and assisting in promoting investor confidence alongside of the Town Deal and Town Investment Plan initiatives.

Therefore, whilst it is acknowledged that there is a concern about the level of harm caused to the significance and setting of the Conservation Area and nearby listed buildings, it is clear that the proposed development is in accordance with the wider strategic aims of the Council, in terms of working to promote and secure sustainable tourism development in the town. Specifically, Policy E4 states that a more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities, and sustain the tourism economy. It has been strongly demonstrated that the proposed development achieves all these aims, and as such is in accordance with Policy E4 of the Hastings Planning Strategy 2014.

#### g) Impact on neighbouring residential amenities

Whilst residential premises are in occupation to the north on Marine Parade, this is typically a commercial area, and it is not considered that the proposed development will exacerbate the existing situation in terms of noise, privacy or overlooking given the distance of 53 metres. Policy DM3 of the Development Management Plan is therefore complied with in respect of the impact on residential amenities.

#### h) Ecology and landscaping

The site is of limited ecological value in its current form, and as such, that applicant was not required to submit a Phase 1 Preliminary Ecological Assessment with the application. However, the curved nature of the building's design allows for additional soft landscaping to be provided around the new building within the site boundary, and the provision of a green/brown roof offers significant biodiversity enhancements as compared the current situation. Policy EN3 of the Hastings Planning Strategy and Policies DM1 and HN8 of the Development Management Plan 2014 are therefore complied with in that the development enhances biodiversity provision and provides for additional soft landscaping to soften the appearance of the development, reducing harm to the character and appearance of the area.

#### Impact on Great Crested Newts

The development falls within the red Impact Risk Zone for Great Crested Newts. In the red impact zone, there is suitable habitat and a high likelihood of Great Crested Newt presence. However, due to the size and scale of the development and the lack of ponds in this location, news are not expected to be a constraint to the development. Subject to the imposition of Informative 3, which reminds the applicant of their obligations in terms of Great Crested Newts, no objections are raised on the grounds of the potential impact on this protected species.

#### i) Air quality and emissions

The proposed development falls within both Checklist 1 and Checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2021 produced by Sussex Air Quality Partnership. Whilst ordinarily an Air Quality Assessment and an Emissions Mitigation Assessment would be required, Environmental Health Officers have confirmed in writing that given that the proposal is only enclosing what its already there and that the increase in visitors in the venue at any one time is not likely to be significant, then an Air Quality Mitigation Statement is sufficient for this application. On review of this Statement,

Environmental Health raise no objection to the proposal and agree with the presented findings, including the implementation of procedures incorporated into the design to minimise emissions.

#### j) Highway safety/parking

This site is located on Hastings Seafront and is therefore in an area where attractions do not/cannot provide site parking. There are however a number of car parks in close proximity of the site, along with good accessibility to public transport. The area also has parking restrictions in place to prevent parking in inappropriate locations.

The pedestrian links from the Town Centre & Old Town are also good with a number of pedestrian crossings in place along the length of the seafront.

With this in mind, whilst the proposed development is expected to increase the number of visitors to the site, the Highway Authority are satisfied that this will not have a detrimental impact on the highway network or significantly increase car parking pressures either on-street or in the surrounding car parks. This is especially the case as there is likely to be a cross over of uses with many visitors travelling to the area to make use of the various facilities and attractions located nearby and within the town.

The development has been designed to utilise the existing servicing and waste management facilities. There will be no change in the arrangements. Whilst there will be an increase in usage and capacity, there will remain sufficient provision to support operations on-site.

It is noted that 6 cycle storages racks are proposed, providing storage for 12 cycles. However, it would be beneficial for additional covered and secure cycle storage spaces to be provided for staff, which can be secured by the imposition of a condition (Condition 12)

Subject to the imposition of Condition 12 as detailed above, it is considered that the proposal has sufficiently considered access and parking arrangements in accordance with Policy DM4 of the Development Management Plan 2015. No objection is therefore raised in this regard.

#### k) Flood risk and drainage

It is proposed to provide foul sewerage disposal via a connection to the mains sewer. This approach has been accepted by Southern Water subject to the normal application to connect, secured by the imposition of Informative 4. The submitted SUDs report identifies that a total of 28 cubic metres attenuation storage is required to serve the development, which will be exceeded through both the detention basin within the golf course itself and through the provision of the green/brown roof. Whilst the Lead Local Flood Authority initially raised some concerns about the level of detail provided within the application, they have now accepted that this detail can be secured by the imposition of Conditions 9-11, taking account of the scale and nature of the proposal, including its location directly adjacent to the beach where soakaways will drain to, should planning permission be granted.

The Environment Agency has also been consulted on the proposal and raise not objection to the mitigation measures proposed in respect of managing risks from tidal and surface water flooding, given the site's location in Flood Zone 3/3a.

Taking the above into account, Policy SC7 of the Hastings Planning Strategy 2014 is therefore satisfied in respect of ensuring flood risk is managed and does not increase risk elsewhere, subject to securing the additional detail requested by the Lead Local Flood Authority by condition as described above.

## l) 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.

## m) Financial contributions

No financial contributions are sought for this proposal due to its scale and proposed use not meeting adopted thresholds.

## n) Sustainable construction

The application has provided a statement within the submitted Design and Access Statement, which sets out key principles of sustainable building to be employed. These include:

- Highlighting that the structure can be easily dismantled, not requiring a floor slab
- Sourcing of construction materials locally as much as possible, minimising embodied energy in the transportation of materials
- The design resulting in the minimal use of mechanical ventilation
- Natural cooling
- The provision of planted roofs providing a suds solution and extensive internal planting to help with evaporative cooling.

Whilst these measures are welcomed, it is considered that additional detail should be provided, should the application be approved. The imposition of Condition 18 therefore is proposed, to require the applicant to submit more detailed information regarding details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014.

## 6. Evidence of community involvement

Whilst community involvement is not a statutory requirement and cannot be a material consideration in the determination of a planning application, the applicant did undertake their own pre-application consultation in developing the proposals prior to submission. Details are set out in the Appendix 1 of the submitted Planning Statement. In summary however, the following measures were undertaken:

- A dedicated website for the development proposals, including an opportunity to submit comments
- Signage placed around the site
- Development plans posted on social media channels
- Information distributed via the mailing list of the company
- Article in the Hastings Observer
- Presentation to Old Town Residents Association

## 7. Conclusion

Both national and local planning policy requires that in assessing a development proposal, the levels of harm caused to the significance and setting of designated heritage assets must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It has been demonstrated that there are strong social, environmental and economic benefits for this proposal, in accordance with the overarching principles of sustainable development.

Policy HN1 of the Development Management Plan states that permission will be given for schemes that show a full understanding of the significance of the assets, and proposals must reach a good standard of design. Policy E4 states that a more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities, and sustain the tourism economy.

In considering the above, it is noted that whilst the conclusions of the submitted Heritage Impact Assessment and the Council's Conservation Officer differ, the full assessment in line with the requirements of the NPPF throughout this report concludes that whilst harm results to designated heritage assets, this will be less than substantial. The public benefits arising, including the positive impact on the local economy, the improvements to all year round tourism, job creation and resultant positive impacts on local businesses, together with other social and environmental benefits, outweigh the level of harm caused. The development will also ensure the site reaches its optimum viable use in accordance with paragraph 202 of the NPPF.

Therefore, in applying the planning balance, it is considered that the evidence presented, and the proposed development would achieve significant positive benefits for the local economy and tourism, which comply with key objectives and policies in the adopted Local Plan, compared to the harm to the Conservation Area. 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.

## 8. 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:

480\_001A, 480\_002A, 480\_003B, 480\_010A, 480\_011, 480\_012A,  
480\_013A, 480\_102C, 480\_103C, 480\_104C, 480\_105A, 480\_110B,  
480\_111B, 480\_112B, 480\_113B, 480\_114, 480\_210A, 480\_211,

480\_212A, 480\_310C, 480\_410A and 480\_411

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 premises shall not be used except between the following hours:-

8.30am - 10.30pm

Monday to Sunday (including Bank Holidays)

5. Prior to occupation of development hereby approved, details, including acoustic specifications of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) compressors, generators or plant of a like kind, installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to BS4142:2014, at any adjoining or nearby noise sensitive premises.

The development shall be carried out in accordance with the approved works.

6. Prior to the first operation of the building hereby approved, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
8. The archaeological work shall be carried out in accordance with the approved Written Scheme of Investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

9. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

The detailed drainage design referred to above shall include details of:

(i)

- Findings of infiltration testing in accordance with the BRE365 to ensure that the soakaway has sufficient capacity to take flows from the development.
- The outfall of the proposed detention basin and how it connects into the soakaway . This should include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- The proposed brown roof, including cross sections
- A Management and Maintenance plan for the entire drainage system to ensure that the designed system takes into account design standards of those responsible for maintenance. The Management and Maintenance Plan should set out who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The design of the detention basin should allow for a 300mm freeboard within the basin to allow additional capacity in exceedance events.

(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the building hereby approved shall occur until those works have been completed.

And

(iii) No occupation of any of the building hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

10. No development should take place, including any ground works, until measures to manage flood risk, both on and off the site during the construction phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. This may take the form of a standalone document, or be incorporated into the Construction Management Plan for the development, as required by Condition 13 of this consent.
11. Prior to first use of the building hereby approved, evidence (including photographs) should be submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

12. Prior to occupation of the development hereby approved, details of covered and secure cycle storage must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
13. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:
  - a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space,
  - location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routeing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works
  - measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
  - details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works
  - protection of pedestrian routes during construction;
  - restoration of any damage to the highway [including vehicle crossovers and grass verges].

An indicative programme for carrying out the works should be included within the Construction Management Plan.

14. Notwithstanding the approved plans, no development shall take place above ground until samples of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- Glazed tile.
- U channel glazing.
- Concrete coping.
- Decking boards.
- Timber cladding boards

These samples shall be submitted together on a materials sample board, which shall also detail the manufacturer, product name/number, unit size, materials, and finish details of each material.

The glazed tile shall be presented as several colour and glaze options, to include some warmer earth colours.

The 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.

15. Notwithstanding the approved plans, no development shall take place above ground until finish details (paint type and colour), for the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

- Aluminium door and window frames

Development shall be carried out in accordance with the approved details.

16. Notwithstanding the approved plans, prior to the commencement of the individual elements of the works detailed below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed joinery of the proposed windows and doors, to include 1:10 elevations of each window and door type and example horizontal and vertical sections at 1:2 scale or full size of each detailed joinery section.
- Details of the siting, size, manufacturer, product reference and profiles of the proposed aluminium rainwater goods.
- Details of the proposed external staircases, to include elevations of all visible sides and sections through the stair structural supports, string, treads, risers, gates, and handrails.

Development shall be carried out in accordance with the approved details.

17. Notwithstanding the approved plans, prior to the commencement of the hard and soft landscaping works, full details of any proposed new paving materials and planters shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the manufacturer, product name, materials/finishes and unit size.

The development shall be undertaken in accordance with the approved details.

18. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy shall be submitted to and approved



in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**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 residents.
4. To safeguard the amenity of adjoining residents.
5. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
6. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
7. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
8. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
14. In order to protect the visual amenities of the area and to secure a well-planned development.
15. In order to protect the visual amenities of the area and to secure a well-planned development.
16. In order to protect the visual amenities of the area and to secure a well-planned development.

17. In order to protect the visual amenities of the area and to secure a well-planned development.
18. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.

### **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)

4. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
  5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)
  6. The Health and Safety at Work Etc. Act 1974 will apply. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
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**Officer to Contact**

Mrs S Wood, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/22/00005 including all letters and documents