

Report to: PLANNING COMMITTEE
Date of Meeting: 01 June 2022
Report from: Assistant Director of Housing and Built Environment

Application address: Entrance to Laser Lane at Kings Road and adjoining Handguard House, Laser Lane, St Leonards-on-sea

Proposal: Installation of two secure metal gates to prevent antisocial behaviour (amended description).

Application No: HS/FA/21/00298

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Kings Road
Listed Building: No

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

Public Consultation

Site notice: Yes
Press advertisement: Yes - Affects a Public Right of Way Amended PI
Neighbour Letters: No
People objecting: 1
Petitions of objection received: 0
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

The application site relates to Laser Lane which runs between the rear of nos.18-25 Kings Road and Handguard House, and is located to the rear of nos. 10-16 Western Road and Eversfield Mews South.

Hastings and St Leonards-on Sea have a network of paths and passageways that are considered a character feature of the Town that have historic, evidential and social importance that contributes to the sense of place. Laser Lane is a footpath (97) and a Public Right of Way.

The site forms part of the Kings Road Conservation Area, St Leonards on Sea. The site is within Kings Road which is a commercial street of high architectural quality and is interspersed with residential buildings dating back to the 19th Century.

Constraints

Flooding Groundwater

Public Right of Way (footpath 97)

Kings Road Conservation Area

2. Proposed development

The application proposes the installation of two secure metal gates to prevent antisocial behaviour. The first gate will be a secure lockable 2.5m high metal arch shaped double entrance gate installed at junction of Laser Lane and Kings Road, and the second gate is proposed to be a secure lockable 2m high metal gate located at the other end of Laser Lane and accessed via Cross Street. The proposed gates are required so as to deter anti-social behaviour and improve security. Neighbouring properties will not have access to Laser Lane once the proposed gates have been installed.

Amended drawings were received on 15 February 2022 following concerns raised by officers regarding the design of the original scheme. Further amended drawings were received on 6 April 2022 showing the installation of a second metal gate that would be accessed via Cross Street.

Following this the description of development was amended and the application re-advertised.

The application is supported by the following document:-

- HER Statement

Relevant planning history

None

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA4 - Strategy for Central St Leonards

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment

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 DM5 - Ground Conditions
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy CQ1 - Cultural Quarter
Policy SA2 - Other Shopping Areas

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP7 - Access, Servicing and Parking

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 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 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:

- c) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- d) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- e) 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 - **Objected** to the original scheme which has been superseded by amended drawings received in April 2022. The Conservation Officer was not consulted on the amended scheme.

ESCC Public Rights of Way Officer – **No objection** - in light of Hastings Borough Council's Cabinet meeting of 1 March 2021 where a Public Space Protection Order (PSPO) was granted gating Laser Lane and thereby closing it to use by the public. However, it should be conditioned that should the relevant PSPO be rescinded at any point planning permission should also be rescinded (**Condition 4**).

ESCC Highways – **No objection** - The proposed development is not a highway matter. However, if planning permission is given an informative should be imposed advising the applicant that should the construction requirements of the gates require works to be done on highway land then the applicant should contact East Sussex Highway Team as a licence is required (**Informative 3**).

4. Representations

2 x site notices in respect of the application were posted three times on Kings Road and on Cross Street and a press notice was published twice. 1 letter of objection was received in response to the original site notice (original scheme) raising the following concerns: -

- The design and materials are incongruous with the terrace and within a Conservation Area.
- The proposed materials look industrial, and cheap and as such are bulky and have mass thereby making them incongruous.
- The gates should reflect the Victorian nature of the street.
- The gates should mimic and reflect the structural features (arches) that predominate.
- Double or triple arched gates would be better and less bulky.

No comments received to the amended scheme.

5. Determining issues

The main issues are the principle of development, effect on the character and appearance of the street scene and the Kings Road Conservation Area, and the impact of development on the Public Right of Way (PROW).

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 installing secure metal gates in this location so as to deter antisocial behaviour and improve security is acceptable subject to all other considerations being acceptable.

b) Character and appearance and impact on the Kings Road Conservation Area

Policy HN1 of the Development Management Plan 2015 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas) states that:

'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 Kings Road Conservation Area along a commercial street of high architectural quality properties that are predominantly Victorian in character. Whilst commercial in character, this part of Kings Road is interspersed with residential buildings dating back to the 19th Century. The application site is fully visible within the public realm as one of the gates is proposed to front Kings Road. The gate that is proposed to be installed at junction of Laser Lane and Kings Road is to be a 2.5m (highest point) high metal, arched shaped secure double entrance gate that is lockable so as to deter anti-social behaviour and improve security. The second gate is proposed to be a 2m high metal gate accessed via Cross Street and is also proposed to be lockable so as to deter anti-social behaviour and improve security. The proposed gates are sympathetically designed to reflect the established character of properties on this part of Kings Road and surrounding area. The predominant architectural feature on this part of the Kings Road is the use of arches on Victorian properties on Kings Road. Given this, it is considered that the proposed arch shaped gates,

located at the Kings Road end of Laser Lane, successfully adopt an architectural feature that characterises this part of Kings Road. In addition, the use of iron as opposed to wood (superseded original material) makes the proposed gates less bulky and results in a development that integrates well with the established street scene and the Kings Road Conservation Area. Overall, it is considered that a development as proposed takes influence in design terms from the established character and appearance of this part of the Kings Road Conservation Area. Any harm to the Kings Road Conservation Area is considered to be less than substantial and is mitigated by public benefits that will come with the new development which are the deterrent of antisocial behaviour which will in turn result in a positive improvement to the public realm of this part of Kings Road. As such, a scheme as proposed complies with the NPPF policies and Local Plan Policies DM1, DM3, DM4 and HN1 of the Development Management Plan 2015, as well as Policy EN1 of the Hastings Planning Strategy 2014.

c) Public Right Of Way (PROW)

Hastings and St Leonards-on Sea have a network of paths and passageways that are considered a character feature of the town that have historic, evidential and social importance that contributes to the sense of place. Laser Lane is a footpath (97) and is also a PROW. Laser Lane is one of 35 footpaths that are within the 'Safer Streets Project' area in St Leonards on Sea where the Government funds such schemes so as to improve security, extended guardianship, and provide crime prevention advice and prevention.

In recent years this footpath (97)/PROW has been the focus of considerable crime and antisocial behaviour. The behaviour reports include drug dealing, noise and shouting (from drug dealers and potential clients), street drinking, arson, public defecation, prostitution, fly-tipping, graffiti, dog fouling, litter accumulations and public place violent crime. Residents and local businesses asked the Council and Police several times to take steps to deal with the crime and antisocial behaviour associated with this footpath. Following this, and in accordance with powers given to Local Councils by The Antisocial Behaviour, Crime and Policing Act 2014 to gate PROWs using the Public Space Protection Order (PSPO) process, on 1 March 2021 Hastings Borough Council's Cabinet approved a PSPO gating Laser Lane and thereby closing it to use by the public. Given this, it is considered that there is no in principle objection to the proposed gates as there is a PSPO in place to allow closure of the PROW to the public. ESCC PROW team were consulted and they raise no objection to the development, however they advise that should the Order be rescinded at any point by the Borough Council, any planning permission for the installation of gates at entrance to Laser Lane should also be rescinded. Condition 4 requires the gates to be removed in the event that the PSPO is rescinded thereby addressing the points raised in the PROW consultation response.

6. Conclusion

The principle of the installation of metal entrance gates as proposed is acceptable in principle given that there is a PSPO in place gating Laser Lane.

It is considered that the proposed gates have been sympathetically designed and that their design takes influence in design terms from the established character and appearance of this part of the Kings Road Conservation Area. Any harm to the Kings Road Conservation Area is considered to be less than substantial and is mitigated by public benefits that will come with the new development which are the deterrent of antisocial behaviour which will in turn result in a positive improvement to the public realm of this part of Kings Road.

Given the above, it is considered that 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:

BG/A2/1/1 A, BG/A2/1/1-1A, BG/A2/1/2 A, BG/A2/1/2-1A, BG/A2/1/3 ,
BG/A2/1/4, BG/A2/1/5, BG/A2/1/6 and BG/A2/1/7.
3. The entrance gates hereby approved shall be constructed of metal as shown on the amended drawings submitted with the planning application.
4. The Planning Permission hereby approved is contingent on the Public Space Protection Order issued by Hastings Borough Council on 1 May 2021 remaining in force. In the event that the Public Space Protection Order is rescinded by Hastings Borough Council then the gates hereby approved shall be removed within 2 months from the date the Public Space Protection Order is rescinded.

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 ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

4. To ensure an acceptable form of development in line with allowing public access to Laser Lane.

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 advised that should the construction requirements of the gates require works to be done on highway land then the applicant will be required to obtain a permit in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
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Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/21/00298 including all letters and documents