

Report to: PLANNING COMMITTEE

Date of Meeting: 17 May 2023

Report from: Planning Services Manager

Application address: **Promenade Opposite 48-49 Eversfield Place, St Leonards-on-sea**

Proposal: **To create a secure storage unit to hold green commercial waste/recycling bins associated with Store 5, Lower Promenade Bottle Alley.**

Application No: **HS/FA/22/00967**

Recommendation: **REFUSE**

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Eversfield Place
Listed Building: No

Applicant: TWC Cafe Ltd Store 4 Bottle Alley Eversfield Place, Hastings, East Sussex. TN37 6FD

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	21
Petitions of objection received:	0
People in support:	189
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 application site relates to an area on the promenade set within a recessed area immediately adjacent to the stairwell which serves Bottle Alley, Lower Promenade and in close proximity to store 5. The application site forms part of the Bottle Alley development of the 1930's carried out by Sidney Little, The Borough Engineer and extends from Harold Place to Marina. The Bottle Alley development which formed the Lower Promenade of Hastings makes a significant aesthetic contribution to the setting of Hastings seafront and introduced aspects of modernism to the area. The application site is immediately adjacent to

the public footway of Eversfield Place with the busy classified road of Eversfield Place thereafter which forms part of the A259 into Hastings, positioned opposite are Nos. 48 and 49 Eversfield Place. The site is clearly visible within the street scene and falls within the Eversfield Place Conservation Area designation. The site is also located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place. The shelters are part of the Historic England list entry which includes Carlisle Parade Car Park, the subway, entrance ramps, sunken garden and three shelters, and the five additional Shelters on Eversfield Place.

Constraints

SSSI Impact Risk Zone

Land Owned By Hastings Borough Council

Eversfield Place Conservation Area

Conservation Area Appraisal Consultation Draft

Located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place

Archaeological Notification Area

Flood Zone 2 and 3 Environment Agency

Flood Zone 2 and 3a SFRA

Climate Change 200 and 1000 year

District Licensing Scheme - Great Crested Newts - Amber Impact Risk Zone

Background information:

This application has been re-submitted following the refusal of application HS/FA/21/00624 which also related to a proposed bin storage unit in this location. The application was refused due to its harmful impact upon the character and appearance of the conservation area, and to concerns raised in relation to designing out of crime. This application proposes the same bin storage unit as refused under application HS/FA/21/00624, there has been no change in the siting, scale, height or design of the proposed bin storage unit, nor have the Policies of the Hastings Local Plan changed since its refusal on how it would be assessed. Whilst we are fully supportive of the business which has provided jobs, attracted visitors and has utilised a vacant unit which is clearly proving to be a success as detailed within the submitted design and access statement, this does not alter the fact that a bin storage unit is unacceptable in this proposed location with the reasons for refusal under HS/FA/21/00624 having not been overcome. The applicant was made aware of the Local Planning Authority's concerns and advised that the application would be refused in its current form. Due to the unacceptable location of the bin storage unit currently being proposed amendments were not offered. The applicant was advised that an alternative location would need to be carefully considered, a more discreet location, as to not disrupt the setting of a designated heritage asset or result in the loss of a significant feature, this has also been voiced in the Conservation Offices comments. Whilst the applicant has provided further information in an attempt to address the Local Planning Authority's concerns uploaded to the case on 29th of March 2023 named 'Addendum to design and access statement' it is not considered this has overcome the concerns raised.

Note. Whilst the submitted design and access statement establishes that the proposed bin store unit will measure 1.1m in width by 4.88m in length and 1.5m in height, there are some noted discrepancies between the design and access statement and drawings, with the proposed floor plan and elevations drawing measuring 1.1m in width by 5.1m in length and

1.75m in height and the block plan measuring 1.45m in width by 5.1m in length. It is noted if the application had been considered acceptable in other respects, then amendments could have been sought to address this issue, however given that the principle of development in this location is not considered acceptable these were not requested.

It is also important to note that application HS/FA/20/00688 which approved a café/take away premises at store 4 had condition 8 attached which stated the following:

'Any waste and recycling shall be securely stored within the footprint of the building and taken to the closest collection point on the relevant collection day'.

As such, the use of a bin storage unit in this location would be in technical breach of condition 8 of application HS/FA/20/00688.

2. Proposed development

The application is seeking planning permission for the creation of a permanent secure storage unit to hold green commercial waste/recycling bins. The design and access statement which accompanies this application states the bin store will help service store 4 which is in operation as a café/takeaway business (Starsky and Hatch), approved planning permission under application HS/FA/20/00688. The applicant has a tenancy for both stores 4 and 5. The statement goes on to state that when the bins are not in use, they are stored in store 5 (away from any food preparation areas in store 4 for hygiene purposes) and the green commercial waste/recycling bins are located roadside for ease of collection by the waste management company.

The area is located opposite 48-49 Eversfield Place, at the top of a set of steps which allow access down to the lower promenade where stores 4 and 5 are located, this area has been indicated on the block plan. According to the block plan the proposed bin store will measure 1.45m in width by 5.1m in length. However, in the submitted design and access statement it is referenced as being 1.1m in width by 4.88m in length and 1.5m in height, with the proposed floor plan and elevations drawing measuring 1.1m in width by 5.1m in length and 1.75m in height. The bin store is proposed to be constructed of brick, partly built on the existing wall and rendered and painted in a white finish, with a flat roof, with timber doors painted in a black finish with galvanised steel door furniture with a padlock to lock the bin store. The existing historic metal railings will need to be removed in order to accommodate the proposals. Currently the proposed area is being used to store three green bins for recycling, general rubbish and food waste, with the waste collected once a week.

No other form of development is being proposed under this application.

The application is supported by the following documents:

- Photograph of proposed location of bin store.
- Heritage statement.
- Amended waste management plan.
- Design and access statement.
- Addendum to design and access statement.

Relevant planning history

Application No.	HS/FA/21/00624
Description	Creation of a secure bin/recycling storage unit.
Decision	Refused on 18/11/2021

Application No.	HS/FA/20/00688
Description	Change of use to a flexible use of Class E (commercial and service) and Sui generis (takeaway).
Decision	Granted with conditions on 17/03/2021

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

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment

Policy DP1 - Design - Key Principles

Other policies/guidance

East Sussex County Council minor planning application guidance (2017)

Manual for Streets (2007)

National Design Guide (2019)

Paragraph 39

Well-designed places are:

based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;

- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

Paragraph 40

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. Some features are physical, including: the existing built development, including layout, form, scale, appearance, details, and materials;

- local heritage - see below - and local character - see Identity ;
- landform, topography, geography and ground conditions;
- landscape character, drainage and flood risk, biodiversity and ecology;
- access, movement and accessibility;
- environment - including landscape and visual impact, microclimate, flood risk, noise, air and water quality;

- views inwards and outwards;
- the pattern of uses and activities, including community facilities and local services; and
- how it functions.

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 74

Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.

Paragraph 75

Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.

Paragraph 76

A well-designed movement network defines a clear pattern of streets that:

- is safe and accessible for all;
- functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes;
- limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;
- promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion; and
- incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.

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 194 states:

"Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail

should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 states:

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

Paragraph 197 states:

"In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 200 states:

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

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) 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 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 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."

Paragraph 208 states:

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

3. Consultation comments

Conservation Officer - Objection

Reason: The proposal would not provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place.

Reason: The proposal would fail to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting.

Reason: The proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset.

The recommendation would be for an alternative location to be found for the proposed bin storage unit, where it would not disrupt the setting of a designated heritage asset or result in the loss of significant features.

Estates - Support

Waste and Street Scene - No objection

We must add that this unit will be in view of residents, beside a busy road and close to the windy seafront, tourist location. Therefore, the units must be monitored, maintained, and always kept clean to prevent odours, litter and nuisance to the local community and environment.

East Sussex County Council Highways - Objection

Any bin storage would need to be licensed under section 185 of the Highways Act 1980 and would only be authorised to a competent authority such as Hastings Borough Council. This application is from a private individual therefore East Sussex Highways would be unable to licence the bins at this location on the public highway directly to this applicant.

Any bin storage on the public highway would also require a licence under 115 of the Highways Act 1980 as a permanent structure. The plans submitted for this specific bin store would protrude into the footway, thus reducing the width of the footway which would move pedestrians towards the carriageway. There is also a lamp column directly opposite this location which already reduces the available width of the footway. It is also noted that the doors to the units open outwards which would further impede onto the footway and pose a potential risk if unsecured outside of business hours when monitoring cannot take place.

East Sussex Highways Licensing team would be unable to grant the 185 and 115 licence.

4. Representations

In respect of this application site notices were displayed on the 24th February 2023 near to the proposed site, one on the Upper Promenade of Eversfield Place and another on the Lower Promenade, and an advert placed in the local paper.

27 letters of objection have been received from 21 different properties, raising the following concerns:

- Eyesore/overbearing/clutter/out of keeping and harmful to the conservation area.
- The bin store will obscure views of the promenade and sea.
- Detrimental to the enjoyment of the promenade and surrounding area.
- Removal of historic railings would set a dangerous precedent (would they be stored for reinstatement if the business moves on).
- The locks which attach to the bins to the railings are already causing damage to the railings.
- Blind spots would be created in a currently open stairway and would encourage anti-social behaviour which is already a problem.
- Magnet for graffiti like the bin store that was created further along.
- The applicants are not always in the vicinity unlike other establishments nearby who control the waste outside their premises.
- The placing of the bin store will encourage fly tipping and littering which is already a problem with the current bins and is a problem at the bin store for store 2. Harmful to residents, wildlife and the environment.
- Currently and for some time now only one large bin plus two smaller bins have been in use, so a much smaller store is required than proposed, but two larger bins and two smaller bins are proposed so a much larger bin store is required.
- Unnecessarily large. Bin store should be reduced in size with a greater number of collections made.
- The store will unnecessarily protrude onto the footway, certainly further than the current bins, make access for disability scooters and wheelchairs inconvenient.
- The applicants constantly and possibly illegally, park their car on the footway in front of the bins.
- Decrease in value of nearby properties.
- The bin store is located quite a distance from store 4 (Starsky and Hatch) itself.
- Could set a precedent for future applications.
- An application has previously been refused for the same proposals, this should not be being proposed again.
- The existing bins should be removed, and this should be enforced.
- The applicant has never positively engaged with the local residents regarding this proposed development in order to get a compromise solution.
- Information supplied between documents is contradictory not clear what sized bins are required.
- The design and access statement is inaccurate in terms of stated opening hours of store 4.
- This application is in breach of condition 8 of permission HS/FA/20/00688.
- There are plenty of viable bin locations, some already available, which would be less harmful, the business could team up with other establishments to share facilities or adapt their own premises at store 4 or arrange for private collection services and use store 5.

- Various letters of support are from customers not residents who live nearby to the bins, with the objection comments being from neighbours who live opposite.
- Starsky and Hatch put up notices on their tables on the 22nd of March 2023 regarding the proposed bin store asking for letters of support from their customers, but the notice contained a number of inaccuracies. Since then, there have been many comments of support received. The planning committee should be made aware of this timeline.

190 letters of support have been received from 189 different properties, raising the following points:

- Starsky and Hatch are a successful local business, employing many local young people, making the area attractive to tourists and bringing in revenue for Hastings.
- The business has attracted many out-of-town visitors with its creative food and drink offerings.
- A bin storage unit is essential for storage and is required to allow easy access for collection.
- A bin storage unit will hide waste bins and improve the appearance of the area.
- The bin store is of an attractive design.
- The existing railings are in a poor state so will be great for these to be removed.
- Other establishments along the beach should be made to follow suit to provide a unified appearance.
- The business has made a huge improvement to the environment in and around Bottle Alley for residents and visitors.
- Recycling should be being encouraged, there should be more bins like this.
- Increase in pedestrian traffic which has created a much safer and more welcoming environment.
- The business should be supported by the council with the right infrastructure to function, otherwise we may lose this business and others which would be detrimental to the area.
- Not the easiest of places to operate from, the business has turned around a beautiful part of the town which has been neglected for many years.
- Storage in the store is hugely limited.
- The business has kept the area around the cafe clean and tidy, and also regularly cleans the alley and beach.
- Other premises are able to have bin stores so why can this business not.
- There is already precedent for this type of development with previous approved application in at store 2 and another at the source park.
- If the business needs to close down, jobs would be lost and would lead to a decline in the area again with anti-social behaviour increasing.
- There seems to be an inconsistency between establishments along the seafront.
- The business is very environmentally friendly and are trying to minimise waste, so in order to maximise this they need secure bin storage.
- Friendly owners and staff, the business is an asset to Hastings.
- Important community hub for residents and visitors alike.
- If business needs to close down could affect the mental health of customers.
- Anti-social behaviour would happen regardless of whether the bins are there or not.
- Plenty of room between the storage area and footway, no obstruction caused.

Whilst the loss of an attractive view from a private property is not a material consideration and is not taken into account, it must be noted that any harm caused to the character and appearance to the conservation area as a result would be.

It is also noted the devaluation of nearby properties is not a material consideration and is not taken into account.

Whilst we applaud the applicants drive to produce less waste and their recycling efforts, this is not the issue here it's the location of the proposed bin storage that is at the heart of the debate.

5. Determining issues

The main issues for consideration is whether the character and appearance of the Eversfield Place Conservation Area would be adversely affected and whether the proposal would bring about detriments to highway safety and designing out of crime.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of Eversfield Place Conservation Area

Policy EN1 of the Hastings Planning Strategy (2014) states development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. Policy DM1 of the Hastings Development Management Plan (2015) establishes all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: protecting and enhancing local character. Furthermore, Policy HN1 of the Hastings Development Management Plan (2015) states 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 proposed site, which is within the Eversfield Place Conservation Area and is located between two Grade II listed concrete shelters opposite Nos. 43 and 63 Eversfield Place. The shelters are part of the Historic England list entry which includes Carlisle Parade Car Park, the subway, entrance ramps, sunken garden and three shelters, and the five additional Shelters on Eversfield Place.

The promenade to the rear of the two Grade II listed shelters, which is above Bottle Alley and has open views of the Grade II listed Hastings Pier, is an aesthetically pleasing stretch with a distinctive harlequin design.

The section between the two shelters is a congruous symmetrical arrangement consisting of landscaped brick bordered raised flower beds.

The central flower bed arrangement is a crescent shaped bed which has ramps to either side which lead from the harlequin footway to the roadside footway and to steps which lead down to Bottle Alley. The steps to the east and west, which include matching iron railings form a symmetrical pair and contribute to the harmonious arrangement which is part of the setting of the Grade II listed shelters.

The proposed development site is part of a symmetrical and aesthetically pleasing part of the promenade with the steps to the east and west of the central raised flower beds forming a symmetrical pair. The other significant feature of these two stairwells is that they have managed to retain the historic iron railings, which sadly has not been the case in other locations along the promenade.

The proposed permanent bin storage unit, which involves removing a section of the historic iron railings, would disrupt this significant symmetrical arrangement and cause less than substantial harm to the character and appearance of the Eversfield Place Conservation Area and the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place.

Whilst it is noted the application includes examples of other bin storage units which were approved under planning applications HS/FA/21/00344 and HS/FA/20/00986, with the proposal said to replicate the bin store unit granted for store 2 under application HS/FA/21/00344 in design terms. Both of these were in different locations on the promenade, in areas that did not have significant iron railings, and in areas which already had similar adjacent low-level masonry structures, with every application based on its own merits.

The proposed location of the bin storage unit by virtue of its siting, position, scale and design would harmfully alter the existing arrangement. As noted above there are railings which run alongside the stairway which allow views through and degree of openness to be achieved, the proposed arrangement would involve removing these railings and creating a 1.5m high (according to the design and access statement) or 1.75m high (according to the proposed floor plan and elevations drawing) solid rendered wall running the full length of 4.88m (according to the design and access statement) or 5.1m (according to the proposed floor plan and elevations drawing and block plan) in their place which will result in an overbearing and dominating form of development when viewed from the stairway and Eversfield Conservation Area. It is understood that Sidney Little's vision was for a symmetrical two-tiered promenade, the connection of the two-tiers made by pierced-through stairwells with views through to the sea, with this being eroded by these proposals. It is also considered the presence of this street furniture would lead to a congested and cluttered appearance. There is a concern that this could set a precedent for future applications, which is not a form of development that should be encouraged on the upper promenade at this particular location. The application fails to enhance or protect the area but in fact will cause harm to the surrounding heritage assets.

The historic railings are defined elements of this designated landscape, being one of the key features which contribute to the promenade. Historic England would always rather these features be maintained rather than be removed, removing them would remove any ability to maintain them. The applicant has stated within the submitted addendum to design and access statement that these railings are a health and safety issue, we do not agree with this assertion, and this wouldn't be a material consideration here. If the applicant is concerned,

then they should contact the Local Authority's Community Safety Manager.

Objection has been raised by the Conservation Officer to the siting of the proposed bin store.

Whilst it is understood that waste facilities are required, the applicant has been advised that an alternative location would need to be carefully considered, a more discreet location, as to not disrupt the setting of a designated heritage asset or result in the loss of a significant feature. It was made clear under approved planning application HS/FA/20/00688 that waste would need to be securely stored within the footprint of the building, detailed under condition 8. Due to environmental health legislation open bins cannot be stored in the same area as food preparation areas for hygiene reasons. It is acknowledged that if the space within the store was subdivided with a separate store for waste, then the applicants would be able to comply with environmental health legislation. We have also suggested an alternative external location, near to the chairs and tables at lower promenade, although preference would be for an internal store, however the applicant has not wished to explore this option.

In view of the above, it is considered the proposal fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework and should be refused in this regard.

c) Highway safety

As mentioned above, there are a number of discrepancies between the dimensions of the proposed bin storage unit when comparing documents submitted with the application, with the width of the proposed bin storage unit differing between the design and access statement and proposed floor plan and elevations drawing being 1.1m in width with the block plan being 1.45m in width.

East Sussex County Council Highways were consulted on the application. A response has been received with objection raised due to concerns raised by the East Sussex Highways Licensing team. It is noted these comments have been based on the submitted block plan with the proposed bin store shown to measure 1.45m in width.

The East Sussex Highways Licensing team have advised that any bin storage would need to be licensed under section 185 of the Highways Act 1980 and would only be authorised to a competent authority such as Hastings Borough Council. This application is from a private individual therefore East Sussex Highways would be unable to licence the bins at this location on the public highway directly to this applicant.

Manual for Streets states, 'As pedestrians include people of all ages, sizes and abilities, the design of streets needs to satisfy a wide range of requirements. Obstructions on the footway should be minimised. The document establishes that the minimum unobstructed width for a footway for pedestrians should generally be 2m. Additional width should be considered

between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops'.

Any bin storage on the public highway would also require a licence under 115 of the Highways Act 1980 as a permanent structure. The submitted block plan for this specific bin store shows it would protrude into the footway, thus reducing the width of the footway which would move pedestrians towards the carriageway. There is also a lamp column directly opposite the bin store location which already reduces the available width of the footway. The A259 is a main arterial route into Hastings and out to Bexhill and Eastbourne, being a busy route at all times of day and night. Pedestrians also access a bus stop, which is in close proximity using this stretch of footway and the ramp, immediately adjacent to the site, is an access point for those with mobility issues, walking aids, wheelchair and pushchair users with this being a main access point. It is therefore essential that the width of the pavement is capable of accommodating pedestrian traffic for both able and less abled bodied persons. As noted above, Manual for Streets states that generally the width of a footway should be no less than 2m in order to enable the safe passage of pedestrians of all ages, sizes and abilities. Manual for Streets advises however that an additional width should be considered between the footway and a heavily used carriageway, such as the A259, which runs parallel to the site. An on site measurement, based on a bin store of 1.45m in width, would reduce the footway width to approximately 1.67m having regard to the position of the the lamp column. This is less than the required minimum width for general footways and takes no account of the heavily trafficed carriageway, as recommended by Manual for Streets. This would reduce the width of the footway to an unacceptable width, hindering safe access for pedestrians of all abilities, moving pedestrians towards the carriageway and causing possible hazards for pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for streets (2007).

It is also noted that the doors to the bin storage unit open outwards by approx. 0.9m which would further impede onto the footway and pose a potential risk if unsecured outside of business hours when monitoring cannot take place. Regarding this point the applicant has mentioned that these would be secured with a lock with the refuse team to have a set of keys.

For the above reasons, East Sussex Highways Licensing team would be unable to grant the 185 and 115 licence which would be required for this type of application.

d) Designing out of crime

Policy SC1 of the Hastings Local Plan states growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:

(j) reducing opportunities for crime and disorder through innovative design and the clear distinction of public and private space.

National Design Guide (2019) establishes, a well-designed movement network defines a clear pattern of streets that: is safe and accessible for all, functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes, limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying

opportunities to improve air quality, promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion and incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.

Manual for Streets states, pedestrians can be intimidated by traffic and can be particularly vulnerable to the fear of crime or anti-social behaviour. In order to encourage and facilitate walking, pedestrians need to feel safe. And goes onto state, pedestrians generally feel safe from crime where: their routes are overlooked by buildings with habitable rooms, other people are using the street, there is no evidence of anti-social activity (e.g. litter, graffiti, vandalised street furniture), they cannot be surprised (e.g. at blind corners), they cannot be trapped (e.g. people can feel nervous in places with few entry and exit points, such as subway networks) and there is good lighting.

Whilst it is noted the application includes examples of other bin storage units which were approved under planning applications HS/FA/21/00344 and HS/FA/20/00986, with the proposal said to replicate the bin store unit granted for store 2 under application HS/FA/21/00344 in design terms. Both of these were in different locations on the promenade, in areas that did not have significant iron railings, and in areas which already had similar adjacent low-level masonry structures, with every application based on its own merits.

In view of the above policy and guidance, concern is raised to the position, height and scale of the proposed permanent bin store alongside the existing stairwell providing access down to Bottle Alley, Lower Promenade. Bottle Alley has a history of antisocial behaviour associated with the street community as well as it being targeted by graffiti. The proposed bin store will alter the existing relationship on site and will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness to this part of the steps and could lead to anti-social behaviour such a graffiti which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan for designing out of crime and the guidance provided within the National Design Guide (2019) and Manual for streets (2007). In addition, this arrangement could in turn cause harm to the special character of the Eversfield Place Conservation Area which would be contrary to Policies EN1 and HN1 of the Hastings Local Plan and should be refused in this respect.

Whilst it is clear from reading the design and access statement submitted alongside this application that the applicants have and are continuing to improve the safety level along Bottle Alley, which is welcomed, it is not considered that this overcomes the concerns as noted above of a bin storage unit in this location, with alternative solutions available.

e) Impact on Great Crested Newts

The development falls within the amber impact risk zone for great crested newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. If the application had been considered acceptable in other aspects an informative note would have been added to advise the applicants of their responsibility should Great Crested Newts be found on site at any stage of the development works.

f) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. Conclusion

In relation to Policies EN1, HN1 and DM1 of the Hastings Local Plan, the proposed bin storage unit would create a dominant and overbearing form of development which would create a congested and cluttered environment to the upper promenade. The proposed bin storage unit fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework.

Furthermore, the proposed bin store will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness of this part of the steps and could lead to anti-social behaviour which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan and the guidance provided within the National Design Guide (2019) and Manual for streets (2007). This arrangement could in turn cause harm to the special character of the Eversfield Place Conservation Area, which is contrary to Policies EN1, HN1 and DM1 of the Hastings Local Plan.

The proposed bin storage unit would protrude into the footway and cause obstruction to pedestrian movements of all abilities, with the position of the lamp column opposite the proposed site further reducing the available width of the footway to approx. 1.67m. This would move pedestrians towards the carriageway, causing possible hazards to pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for Streets (2007). Therefore, it is recommended the application should be refused for the above reasons.

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

7. Recommendation

Refuse for the following reasons:

1. The proposal fails to satisfy the aims of Policies EN1, HN1 and DM1 of the Hastings Local Plan, the proposed bin storage unit would create a dominant and overbearing for of development which would create a congested and cluttered environment to the upper promenade. The proposed bin storage unit fails to provide a positive contribution towards preserving the quality, character, and local distinctiveness of the Eversfield Place Conservation Area and would be harmful to the setting of the two Grade II listed shelters opposite Nos. 43 and 63 Eversfield Place, and fails to preserve or enhance the aesthetic significance of the heritage asset and would not be sympathetic to the local character and history or the surrounding built environment and landscape setting. Furthermore, the proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of a designated heritage asset. As such, the development would not be in accordance with Local Plan Policies EN1, HN1 and DM1, and Paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework.
2. The proposed bin storage unit will reduce natural light onto the stairway and will result in very restricted views, creating blind spots. This will alter the existing openness of this part of the steps and could lead to anti-social behaviour which is not acceptable in terms of the aims of Policy SC1 of the Hastings Local Plan. This arrangement could also in turn cause harm to the special character of the Eversfield Place Conservation Area which is contrary to Policies EN1, HN1 and DM1 of the Hastings Local Plan.
3. The proposed bin storage unit would protrude into the footway and cause obstruction to pedestrian movements of all abilities, with the position of the lamp column opposite the proposed site further reducing the available width of the footway to approx. 1.67m. This would move pedestrians towards the carriageway, causing possible hazards to pedestrians and carriageway users, this is against the aims of Policies DM3 and DM4 of the Hastings Local Plan and Manual for Streets (2007).

Note to the Applicant

1. 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.

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/22/00967 including all letters and documents