

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 17 May 2023

**Report from:** Planning Services Manager

**Application address:** **Roadways and footpaths at Pelham Crescent, Hastings**

**Proposal:** **Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).**

**Application No:** **HS/FA/21/00994**

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

Ward: CASTLE 2018

Conservation Area: Yes - Old Town

Listed Building: Grade II\*

Applicant: Hastings Borough Council per Saville Jones  
Consultants 74 Victoria Road Worthing BN11 1UN

**Public Consultation**

Site notice: Yes

Press advertisement: Yes - Affects a Listed Building Amended Plans

Neighbour Letters: No

People objecting: 2

Petitions of objection received: 0

People in support: 1

Petitions of support received: 0

Neutral comments received: 0

Application status: Not delegated -  
Council application on land part owned by the  
Council.

## 1. Introduction

This report is set out in two parts, the first part provides an update since a resolution to grant was agreed at planning committee on 20th April 2022. It sets out a revised recommendation and provides an update on consultations and representations received since the 20th April 2022.

The second part comprises a copy of the original committee report for information purposes.

## 2. Pelham Crescent - Update Report

Members will recall that this application was previously reported to the Planning Committee on 20<sup>th</sup> April 2022. During the Committee, it was determined that the application should be approved, subject to a requirement for a S106 agreement relating to the future maintenance and management of Pelham Crescent by the owners of the site. The recommendation in respect of the application was set out as follows:

*'A) That the Planning Services Manager be authorised to issue planning permission after the notification process to the Secretary of State is completed and upon completion of a Legal Agreement under s106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/FA/21/00994 to secure:*

- *The communal management of access to Pelham Crescent by the various owners.*

*In the event that the Agreement is not completed by 31 July 2022 that permission be refused on the grounds that the application does not comply with the NPPF policies, Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015, and, unless an extension of time has been agreed in writing by the Planning Services Manager.*

*B) Subject to the above:  
Grant Full Planning Permission subject to the following conditions'*

The application was then passed to Hastings Borough Council Legal Team, who were instructed to draft and circulate the S106 agreement to the various landowners in order to bring about the determination of the application.

Hastings Borough Council Estates Team have since contacted the Planning Department to confirm that their original comments on the application may have been misconstrued and that there is no requirement for a S106 agreement. Their revised comments on the application, as received on 11<sup>th</sup> April 2023, are set out below:

*'I have reviewed the report the report that went to Planning Committee on 20 April and note the recommendation to issue planning permission upon completion of a Legal Agreement under s106 of the Town and Country Planning Act for the communal management of access to Pelham Crescent by the various owners.*

*I think there has been a misunderstanding in terms of my comments as I do not consider a s106 is required. I was simply pointing out that a formal agreement would be needed in the future for management of access.'*

As the funding for the proposed works has not yet been confirmed, it has been agreed that, should funding for the works be obtained following the grant of planning permission, a formal agreement will be entered into privately between the existing landowners to ensure the future maintenance and management of the access. The agreement to secure the future management and maintenance of the access will be a condition of the funding and the agreement will be entered into by the external grant funders in conjunction with all existing landowners including Hastings Borough Council.

In view of their latest comments from the Hastings Borough Council Estates Team, the application is being recommended to Members on the basis that the application should still be approved, subject to the conditions which were previously proposed. However, the nature of the recommendation has been amended to the extent that there is no longer a requirement for a S106 agreement.

## **Revised recommendation**

### **Grant subject to conditions listed in section 9 of the report.**

The original application assessment and the details of the conditions remain unaltered and are set out in the report below for reference:

## **3. Original Appraisal**

The application site relates to Pelham Crescent, Hastings. This is an access road from Breeds Place or Pelham Place which sits above the roof of properties on Pelham Arcade, which are Grade II\* listed buildings within a subterranean shopping arcade that fronts onto Pelham Place. The Arcade itself is also Grade II\* listed as a group of buildings with architectural significance including townhouses and the Church of St Mary in the Castle. Pelham Crescent provides access to the Pelham Crescent houses and the former church of St Mary in the Castle.

Pelham Arcade is a highly significant designated heritage asset and because of its derelict condition it is on the Historic England's 'Heritage At Risk' Register. The Crescent was designed as an architectural centre piece in the original development of Hastings hence the Grade II\* listing. The site falls within the Old Town Conservation Area and the group makes a positive contribution to its character and appearance.

### Constraints

Archaeological Notification Area  
Old Town Conservation Area  
Grade II\* Listed Building (part of a group of Grade II\* Listed Buildings)

Heritage At Risk Register  
Business Improvement District  
GCN District Licensing Scheme IRZ Amber  
Estate Agent Board Control Zone

### Listing Details

Pelham Crescent comprises several designated heritage assets: the centrepiece of the Church of St Mary in the Castle; 9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1-12, 12A and 12B Pelham Arcade; 7 and 8 Pelham Place (all listed at Grade II\*) and; 9A Pelham Place (listed Grade II). There is a lengthy listing for this group of properties and short paragraphs of the listings have been extracted as detailed below:

#### **Church of St Mary in the Castle; 1353209; Grade II\***

**757/13/193 PELHAM CRESCENT 757/14/193 CHURCH OF ST MARY IN THE CASTLE  
19-JAN-51 Amended 25-NOV-2010.**

GV II\* Former parish church. St Mary in the Castle, 1825-8 forms the centrepiece of Pelham Crescent which was designed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester between 1823 and 1828. The church was subject of an Act Parliament which received royal assent on 2 May 1825, and was consecrated on 28 January 1828. The roof substantially rebuilt 1829; the church reworked in the later C19, probably after 1884 when the parishioners took responsibility; it was declared redundant in 1970 and refurbished in the early 1990s.

MATERIALS: Stone and brick, cement-rendered, and lined as ashlar, stone dressings.

#### **9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1191926; Grade II\*.**

**757/13/192 PELHAM CRESCENT 757/14/192 1-8 19-JAN-51 PELHAM CRESCENT 9  
PELHAM CRESCENT 10-14 PELHAM CRESCENT 14A AND 15 PELHAM PLACE 9 GV  
II\*.**

Includes No 9 Pelham Place, 1824-8 Architect Joseph Kay. A long crescent of houses with St Mary's in the Castle at the centre divides the crescent in two. Each house 4 storeys and basement which is above the ground floor level, one window wide. Stuccoed, painted. Parapet. The end houses have scrolled pediment features with acroteria. Slate roofs. 1st and 2nd floors have large segmental bowed windows of sashes all with glazing bars intact. 2nd and 3rd floors have hooded balconies on slight curve. 3rd floor semi-circular window. Ground floor door and sash window. All lattice, railings and other ironwork contemporary. Built for the Earl of Chichester Sir Thomas Pelham.

Nos 1 to 15 (consec) and No 14A, St Mary's in the Castle and Nos 7, 8, and 9A Pelham Place form a group.

#### **1-12, 12A AND 12B Pelham Arcade; 1043389; Grade II\***

**This list entry was subject to a Minor Amendment on 22/05/2014  
HASTINGS, PELHAM PLACE, PELHAM ARCADE, 1-12, 12A AND 12B (Formerly listed  
as 1-12 AND 12A, PELHAM ARCADE. Previously listed as: PELHAM PLACE, 1-12  
PELHAM ARCADE)**

**03-MAY-88.**

GV II\* Semi-subterranean arcade of shops, developed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester in 1823-5, the first phase of the Pelham scheme, also providing a revetment for the carriage drive to Pelham Crescent and the church of St Mary in the Castle.

Modified in the 1860s to open up the southern range of stalls to the street, first at the eastern end of the arcade, and then by 1863 into the south wall of the ramp. The main basement to the western end was excavated as early as 1860/61 by wine merchant Joseph Arnold. By 1881 Gothic fronts had been added to two bays of the façade. C20 and early C21 individual shops disguise the façade and internal plan of the southern arcade.

#### **4. Proposed development**

The application seeks planning permission for the reconstruction of the surface on Pelham Crescent, various road improvements, renovations, alteration works and upgrades to the road, including the installation of heritage style bollards, signs in Pelham Crescent, the installation of dropped kerbs and the provision of new service duct utilities. This application seeks to carry out works on Pelham Crescent given that due to water ingress the fabric and structure of the historic building is deteriorating, the existing road and the arcade below are in a derelict state such that urgent repairs and reinstatement of the waterproofing layer are required to protect this Heritage Asset and to ensure its long-term survival. This is compromising the ability of the Arcade to function as retail units.

The proposed works include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6 x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.

The various works proposed by this planning application are detailed as follows:-

- Removal of the existing road surface and substrate to repair the surface of the sandstone structural vaults. A screed is proposed to be applied to the uneven surface of the sandstone to provide a smooth and even base for the water-proofing layer.
- The wearing coarse and visible top surface of the road will be finished in a resin bound gravel which is used extensively in historic and environmentally sensitive areas and provides a more natural and more authentic and pleasing appearance than black tarmac. The proposed drainage channels will be the same as the materials used at present, and where possible, the existing material will be re-used.
- The application proposes to reinstate the whole pavement access to the Pelham Crescent in York stone, retaining the existing York stone and repairing with new where necessary on a like for like basis. The existing kerbs are to be re-used.
- To the east of the site are original pedestrian stairs leading down to the seafront. The existing treads covered with bitumen are proposed to be removed and replaced with York stone to match existing.

- To the east of the site the balustrade guarding the stairwell is partially missing and this application proposes to replace this with new cast iron to exactly match the existing.
- To the southern parapet wall a new balustrade along the front of the parapet is proposed to be installed. This has been carefully designed such that its design reflects the existing Pelham Crescent balcony designs and is a minimal intervention to allow safer, usable public space.
- At the original entrance to the arcade to the west York stone flags are to be set flush with the existing re-laid flag surface adjacent so as to reinstate the prominence to the entrance.
- A 0.915m high stone pillar is proposed to be installed at the entrance to the arcade and is proposed to be constructed of new cast aluminium signs to announce Pelham Crescent and Pelham Arcade.
- At the entrance to Pelham Crescent the application proposes the installation of six new bollards. These will be polyurethane in a “East Sussex” design which imitates tradition cast iron in its appearance. Three of the bollards will be fixed and the other three will be screwed into the sockets in the ground and can be removed to provide vehicular access when required, and to allow occasional access when vehicles are authorised or required to access the Crescent in an emergency. Future access to Pelham Crescent will be controlled, managed and enforced by the owners of the road via a management team.
- A new service duct to route utilities in one accessible area is proposed under the pavement, which will minimise future disruption to the waterproofing layer and greatly reduce future damage to the Pelham Arcade structure.
- The application proposes to incorporate two dropped kerbs, between the pavement and the road surface, so that it is possible to move more easily around Pelham Crescent. One directly in front of St Mary in the Castle and the other to the east, close to the public stairs.

Lengthy negotiations and full consultations with all relevant parties which include Historic England, landowners, residents’ groups and St Mary in the Castle Arts Centre took place prior to the submission of this planning application.

Amended drawings were received in January 2022 showing the incorporation of two dropped kerbs to the scheme and shown on Existing and Proposed Plan drawing 1610\_AL(0-)-07F. Following this, the application was re-advertised, and new site notices posted.

The agent also submitted further justification in February 2022 addressing concerns raised by neighbours.

The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Additional Supporting Statement

### **Relevant planning history**

HS/LB/21/00995 - Removal of the existing road surface and substrate in Pelham Crescent

down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description) - Pending consideration.

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area  
Policy FA3 - Strategy for Hastings Town Centre  
Policy FA6 - Strategic Policy for The Seafront  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy EN1 - Built and Historic Environment  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

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

### National Planning Policy Guidance (NPPG)

Design: process and tools

### National Design Guide 2019

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

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

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

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

Paragraph 40 - C1 - Understand and relate well to the site, its local and wider context -

well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

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

- a) 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;
- b) 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;
- c) 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;
- a) have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- b) are visually attractive, to delight their occupants and other users.

Paragraph 52 - Well-designed new development is influenced by:

- c) 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
  - the 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 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 55 - Well-designed places contribute to local distinctiveness. This may include:

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

### National Planning Policy Framework (NPPF)

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

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

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:-
  - Layout

- Architecture
- Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - Building types
  - Materials
  - Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users.

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

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

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

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- 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."

## 5. Consultation comments

Conservation Officer – **No objection** subject to imposition of conditions relating to materials, and full details of the proposed York stone pillar and proposed signage (Conditions 4, 5 and 6).

Historic England – **No objection** to the proposed development as the proposed works reflect advice given to the applicant at pre-application stage and will result in a fully repaired Crescent with a secured future.

Nature Space – **No objection.**

Estates Manager – **No objection** to the application but raise a question as to how future access to Pelham Crescent will be managed and controlled so as to protect the improvements made. (There will be a Maintenance and Management Agreement between the external grant funders and the owners of the site to ensure effective management of Pelham Crescent. This will be secured via a S106 Legal Agreement if planning permission is given for the development).

ESCC Highways – **No objection** subject to an informative regarding a s171 Legal Agreement that is required in order to implement the works (Informative 3 and 4.)

Natural England – **No objection.**

## 6. Representations

In respect of this application 3 x site notices were displayed in front of the site along Pelham Crescent and Pelham Arcade and an advert placed in the local paper. 2 letters of objection and 1 letter of support were received.

The letters of objection raise the following concerns:-

- object to the proposed balustrade.
- they will have a harmful impact on views of the Grade II\* Listed Building from all perspectives.
- this will cause visual clutter and it unnecessary and will be severely detrimental to the setting of the Listed buildings.
- there is no strong case for the balustrade in the submitted Design and Access Statement.
- why is a balustrade necessary now yet it has not been necessary throughout the life of this structure (over 200years).
- no further controls are needed.
- The balustrade will be easily climbed by anyone wishing to gain access to the parapet.
- A low-level post and chain fence would be more suitable.
- The proposed removable bollards at the entrance do not address the substantial risk present when the width of utility vehicles parked everyday at the eastern end of the crescent certainly breaching the 3 tonne safe limit for the sandstone arches below. This needs a permanent solution.
- The submitted Design and Access Statement makes no mention of access.
- How will the pavements be accessible to wheelchair users?
- The eastern stairs are frequently used as a toilet, waste bin and drug den and as such deterrents such as CCTV camera should be used.
- The surface treatment should deter graffiti.
- The existing bins currently have a negative visual impact.
- Cars should not be parked in the Crescent for safety reasons and visual amenity reasons.
- Access to the Crescent should be made clear and well managed.
- The submission makes no mention of environmental sustainability.
- There is an opportunity to provide secure cycle parking for residents of the Crescent.

The application is supported for the following reasons:-

- This is a better management of Pelham Crescent.
- The road and pavement will be resurfaced.
- The design is welcome and the commitment to protect the Arcade and roof structure is appreciated.

## 7. Determining issues

The main considerations are the principle of development, the impact of the proposed works on the character of the Old Town Conservation Area and the Grade II\* Listed Building, impact on neighbour amenity, Highway matters, impact on Great Crested Newts and

Archaeological matters.

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

a) Principle

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

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

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 Old Town Conservation Area. Pelham Crescent forms the access to the Pelham Crescent houses and the former church of St Mary in the Castle which are all listed as a group. The Pelham group of buildings are all Grade II\* Listed and as a group are a highly significant designated heritage asset. Pelham Arcade is in a derelict condition and as such it is on the Historic England’s ‘Heritage At Risk’ Register. The 9<sup>th</sup> Century shopping Arcade which includes nos. 1-12, 12A and 12b Pelham Arcade are included within the Historic England’s ‘Heritage At Risk’ Register.

Continual water ingress from Pelham Crescent has caused significant condition issues which

alongside the degradation of the historic fabric has prevented use of the commercial spaces within the shops below hereby severely having a negative impact on the economic viability of the designated heritage asset. The stonework of the vaults is continually damp and there is green algae, mould and plant growth covering exposed stonework. There is evidence of extensive areas of mildew and algae growth as well as signs of visible leaks. Externally the carriageway, paths, kerbs and historic street furniture within Pelham Crescent are all in poor condition. Successive interventions and alterations in the past have resulted in a compromised street scene which functions poorly as a piece of public realm as well as detracting from the setting of the designated heritage assets of the Grade II\* Listed Buildings and Old Town Conservation Area.

The proposed road works to Pelham Crescent will ensure the arcade is sufficiently waterproofed and will provide improved drainage to ensure surface water is removed efficiently from the area. The scheme also future proofs the Crescent through the provision of a new service channel to ensure the carriageway is not disturbed in the manner that created the existing condition. This would resolve the long term structural and condition issues caused by water ingress. As such, the works are considered to be highly beneficial to the significance of the designated heritage assets through physical repair, but more importantly, ensuring a sustainable future for the building by providing economically viable commercial spaces.

The proposed works to the public realm are considered to be largely restorative. The scheme seeks to reinstate the existing features, such as the York stone paving, the existing kerbs and the brick and York stone gullies. It is also proposed to restore the railings and the steps at the eastern end of Pelham Crescent, as well as existing bollards. It is also proposed to reinstate the York stone pillar positioned at the entrance to Pelham Crescent and supply traditional cast iron signage. It is considered that these works will have a beneficial impact on the significance of the designated heritage asset and the character and appearance of the Old Town Conservation Area.

The introduction of a resin bound gravel carriageway is considered to preserve the character of the streetscene, whilst creating a subtle difference with the existing adjacent highway, which aids in the traffic management of the Crescent. To reduce the vehicular loading onto the Arcade, it is proposed to erect six bollards, with the central three bollards being demountable across the carriageway of Pelham Crescent adjacent to the entrance. The proposed demountable bollards are polyurethane and will be fixed at the base. The new bollards will need to be removed by hand when necessary to allow vehicular access to the Crescent. It is considered that the proposed modern materials for the carriageway and the vehicular bollards will have a neutral impact on the significance and character of the designated heritage asset, as the materials will be visually cohesive with the traditional materials therefore preserving the character of the asset.

In addition, the scheme has also been amended to include two York stone dropped kerbs, one positioned outside the entrance to the church and one to the east of the Crescent to improve accessibility within the public realm. It is considered that the inclusion is a positive step to ensure ease of use for all, and due to the sympathetic nature of the siting, and the use of traditional materials, it is considered that there will be a neutral impact on the setting of the listed buildings and the character of the Conservation Area.

The existing parapet to the south side of Pelham Crescent, facing onto the seafront is low. The proposed waterproofing build-up, wearing coarse and falls will increase the height of the road surface by approximately 180mm at the parapet, thereby raising the road and subsequently lowering the relative height of the existing parapet to a dangerous level. The reduced parapet height represents a significantly increased risk of serious falls and given

this, new railings or a balustrade is proposed to be attached to the existing parapet wall of the arcade for health and safety purposes. The new guarding and parapet height combined will be approximately 1000mm high.

The proposed railings have been carefully designed and exhibit a simplified railing design that takes design cues from the existing balcony railings on the houses in Pelham Crescent. The proposed railings have been designed to replicate the circular motifs which are demonstrated within the railings of the townhouses. Whilst the railings will have some visual impact on the views of St Mary in the Castle and the townhouses from the south, it is considered that the visual impact that would be caused is minimal and that aesthetically the railings will sit comfortably within the context, whilst maintaining a sense of legibility that the railings are a modern insertion that would have a low level of harm to the Grade II\* Listed Building, its setting and the Old Town Conservation Area.

Given the above it is considered that the principle of development is acceptable. A development as proposed will cause no harm to the designated heritage asset. The proposed development will repair the carriageway of Pelham Crescent and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner, and will bring into full use the redundant commercial spaces and will also have a positive impact on the street furniture. The Council's Conservation Team and English Heritage have both been consulted and they have no objection to the proposed development, and concur with this view and advise that the principle of the proposed scheme to remediate the water ingress through the provision of new waterproofing membranes, a new road surface with improved drainage and the repair and restoration to the historic street furniture and finishes is considered both desirable, and necessary to ensure the long-term conservation of the designated heritage assets. They further advise that the scheme has been sensitively designed and that it will have a highly beneficial impact on the significance of the designated heritage assets of Pelham Crescent and Pelham Arcade as Grade II\* Listed Buildings and will provide significant improvements to the character and appearance of the Old Town Conservation Area. As such it is considered that a development as proposed complies with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

#### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed works which include the reconstruction of the surface on Pelham Crescent, various road improvements, renovations and alteration works and upgrades to the road, including the installation of and heritage style bollards, signs and dropped kerbs in Pelham Crescent would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and the available separation distances from residential properties. Given this, it is considered that the proposed development would be in compliance with NPPF policies and Policy DM3 of the Hastings Development Management Plan 2015.

#### d) Highway matters

Pelham Crescent is only accessible by foot and as a result only generates limited vehicle movements. Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, ESCC Highways advise that they do not consider that a development as proposed would prejudice the safety of users of the highway. However, they advise that the applicant will be required to enter into a s171 Legal Agreement (to excavate the highway under the Highways Act 1980) with East Sussex County Council if planning permission is given for this development and that such informatives should be attached to the decision if planning permission is given for the development (Informative 3 and 4).

#### e) Impact on Great Crested Newts

The development falls within the amber impact risk zone for Great Crested Newts. In the amber zone there is suitable habitat and a high likelihood of Great Crested Newts presence. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. The application is not accompanied by an Ecological Report. The habitat that is due to be affected by the proposed development appears to currently be hardstanding and as such is not considered to be suitable habitat for Great Crested Newts. Given this, and the limited connectivity to the nearby water body it is not considered that Great Crested Newts will be affected by the proposed development. As such there is no objection to the proposed development on this ground.

#### f) Archaeology Matters

The application site is located within an Archaeological Notification Area where Policy HN4 of the Development Management Plan 2015 requires development proposals to demonstrate that the particular archaeological interest of the site will be satisfactorily preserved either in situ or on record. Given that the application site is an access road from Breeds Place or Pelham Place which forms the roof of properties on Pelham Arcade, it is considered that the proposed works will not involve ground digging and as such no important archaeological remains are likely to be disturbed as a result of the proposed development.

#### g) Other matters

Neighbours have raised concerns regarding the application on various grounds. Following this the applicant submitted a supporting statement addressing neighbour concerns. The concern on the location of waste bins is noted, however, these waste bins are outside the application site and a development as proposed will not generate a need for waste bins. In regards to disabled access, the applicant advises that the new pavement will improve the quality and evenness of the surface and the road will be one level material in contrast to the existing poorly maintained uneven surface. As such there will be an improvement in accessibility within the application site. Turning to anti-social behaviour, the applicant advises that the application does not seek to close off the entrance to the stairwell to the east of the site as a measure to deter antisocial behaviour. However, the improvement and renovation of the area including repairs to the steps and railings, the proposed lighting, decoration and new finishes is a regeneration of the area which will increase public realm, pedestrian traffic and overall surveillance of the area and deter anti-social behaviour. In regard to environmental sustainability, the applicant advises that securing a viable future for these historic buildings is in its own right is sustainable development and in addition the scheme proposes use of sustainable materials.

In regard to future management of Pelham Crescent, the road at Pelham is in multiple ownership with the owners of Pelham Arcade sharing the ownership of the road. This road



forms the roof to their shop units. Hastings Borough Council is one of the owners of the Arcade and are making this application on behalf of all the Pelham Arcade owners. All property owners were consulted on the project prior to the submission of this planning application. Pelham Crescent will be managed by the various owners via a Maintenance and Management Agreement between external grant funders and various owners of the site thereby addressing the points raised by the Estates Manager in the consultation comments.

## **8. Conclusion**

It is considered that a development as proposed will not cause harm to the designated heritage asset, will repair the carriageway of Pelham Crescent, and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner.

Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, the proposed development is not considered to have a harmful impact on highway safety.

The development falls within the amber impact risk zone for Great Crested Newts. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. Given this there is no objection to the development on this ground.

The concerns raised by neighbours are noted, in particular the concerns about the impact of the development on the appearance and character of the Conservation Area and the group of Grade II\* Listed Buildings, disabled access issues, and concerns raised regarding anti-social behaviour, and the visual impact of existing storage bins. These matters have been carefully assessed within this report and Planning Officers are of the opinion that the proposed development will not cause harm to any of these matters.

As such these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## **9. Recommendation**

**That the Planning Services Manager should be authorised to issue planning permission, subject to the conditions listed below.**

**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:

H5602-03J  
1610AL(0-)03C  
1610AL(0-)04C  
1610AL(0-)05D  
1610AL(0-)06A  
1610AL(0-)07F

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. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

5. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / 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 and future residents.
4. In the interests of the visual amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.

### **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. This Authority's requirements associated with this development proposal will need to be secured through a s171 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. The applicant will be required to obtain a permit for any highway works 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.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

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

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

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**Officer to Contact**

Alexis Stanyer, Telephone 01424 783274

**Background Papers**

Application No: HS/FA/21/00994 including all letters and documents