

Report to: PLANNING COMMITTEE

Date of Meeting: 21 June 2023

Report from: Planning Services Manager

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

Proposal: **Proposed extension and refurbishments to main amusement building (amended)**

Application No: **HS/FA/21/00946**

Recommendation: **Grant Full Planning Permission**

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

Applicant: Flamingo Park Ltd per Baker Architectural Ltd 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area Amended Plans
Neighbour Letters:	No
People objecting:	29
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application proposal relates a Chalet-style commercial building which is located at the road entrance to an existing amusement park. The existing building has an irregular plan form and each arm of the building has front facing gable features. The building may have formerly been two separate buildings which have been linked together via a flat roofed extension. The exterior of the building is partly rendered and partly clad in timber

weatherboard The roof is constructed using red clay tiles and it is formed of multiple roof pitches. The building has eight projecting dormer features at roof level on the southern side of the building. The last known use the building was, as a café with kiosk hatch, a shop and as a Mirror Maze. The upper floor of the building was last in use for office, administration and storage purposes. The building located immediately south of the application site is used to provide dodgems and a ghost train. The surrounding buildings to the south, west and east of the application site also form part of the existing amusement arcade.

The site is located to the south of the A259 and to the north of the seafront. The site also lies west of a grade II listed bus shelter and a boating lake. The site also lies in close proximity to Hastings' historic High Street and it falls within the Hastings Old Town Conservation Area.

The site occupies a prominent section of the seafront in an area which is popular with tourists and other visitors to the town.

Constraints

SSSI Impact Risk Zone

Archaeological Notification Area

Climate Change 200-year/1000-year event

Hastings Old Town Conservation Area

Surface Water Flood Risk – 1 in 30 years/1 in 100years/1 in 1000 years

Great Crested Newt Impact Risk Zone – Red Zone

Great Crested Newt Pond Buffer Zone

Foreshore Trust Owned Land

2. Proposed development

The application proposed relates to the extension of the existing building at ground and first floor level. Planning permission has already been granted for extensions and alterations to the building as part of a larger scheme under application ref: HS/FA/18/01009.

The 2018 planning permission granted consent for extensions and alterations to the building and for the raising of the roof in order to increase the amount of usable floor space from approximately 295sqm to approximately 457.8sqm. It is now proposed that the building should be further extended to increase the footprint of the building by an additional 89.8sqm to approximately 547.6sqm.

As part of the proposed works, the building will be extended at ground floor level to expand the size of the serving area within the café/shop, and to provide an additional office and frozen food storage area. The extensions to the building will also expand the size of the Mirror Maze to include a walkway with glazed curtain walling to the rear. At first floor level, the roof will be raised and replaced with a new roof with multiple, differing pitches, barn hip features, glazed projecting gable features to the front and rear of the building and sections of flat roof, including a section which extend along the central part of the roof. The enlarged first floor area will provide additional floorspace for storage and administration and a staff canteen.

The application is supported by the following documents:

- Existing and proposed plans
- Copies of plans relating to the extant planning permission
- Design and Access Statement
- Planning Statement

- Heritage Statement
- Historic Environment Record Checklist
- Report detailing listed buildings in the surrounding area
- SUDs toolkit form
- Waste Statement

Relevant planning history

Application No.	HS/FA/56/00677
Description	Erection of amusements building.
Decision	Permission Without Conditions on 08/01/57
Application No.	59/0230
Description	Proposed new miniature railway terminal station, waiting room, ticket office, platform and extension of existing track.
Decision	Permission with conditions on 14/04/59
Application No.	60/0441
Description	Erection of 5 lean-to portable kiosks.
Decision	Permission with conditions on 14/06/60
Application No.	71/1457
Description	Family amenity use, boating, putting, video and equipment, catering and souvenir sales.
Decision	Permission with conditions on 11/01/72
Application No.	72/1236
Description	Erection of cafeteria.
Decision	Permission with conditions on 29/09/72
Application No.	74/0379
Description	Continuation of use for junior go-kart track. no plans.
Decision	Permission with conditions on 01/05/74
Application No.	HS/FA/75/0137
Description	Continuation of use for junior go-kart track, installation of additional track, erection of ranch-type fencing. no plans.
Decision	Permission with conditions on 09/04/75
Application No.	HS/FA/78/00035
Description	Installation of portable dodgem track
Decision	Permission with conditions on 01/03/78
Application No.	HS/FA/81/00317
Description	Erection of replacement control building and storage for radio controlled models
Decision	Permission with conditions on 27/05/81
Application No.	HS/FA/83/0116
Description	Operation of water tricycles and radio operated cars.
Decision	Permission with conditions on 06/04/83
Application No.	HS/CA/94/00278
Description	Demolition of existing amusements park buildings,rides etc. (proposal relates to redevelopment scheme hs/fa/94/279)
Decision	Conservation Area Refusal on 04/08/94
Application No.	HS/FA/94/00279
Description	Redevelopment of site, buildings, boating lake and infrastructure as new amusement

Decision	park including the rides and leisure facilities and relocation of bus shelter (94/278 demolition applic. also applies) Refused on 04/08/94
Application No.	HS/FA/99/00023
Description	Erection of a small building to house six children's electric cars
Decision	Permission with conditions on 26/02/99
Application No.	HS/FA/99/00556
Description	Refurbishment of existing cafeteria and amusement complex (building) to form family entertainment centre
Decision	Permission with conditions on 26/11/99
Application No.	HS/FA/99/00620
Description	Minor alterations and extension to office
Decision	Permission with conditions on 26/11/99
Application No.	HS/EX/18/00067
Description	Application for a lawful development certificate for existing use as an Amusement Park
Decision	Certificate Not Issued on 05/04/18
Application No.	HS/AA/18/00326
Description	Alteration of existing shop front and installation of new awning and illuminated signage. New illuminated fascia signage to the north and west elevation
Decision	Permission with conditions on 08/06/18
Application No.	HS/FA/18/00325
Description	Alteration of existing shop front and installation of new awning and illuminated signage.
Decision	Permission with conditions on 08/06/18
Application No.	HS/AA/18/00552
Description	New illuminated signage to replace existing (Minor amendment to existing consent to display advertisement)
Decision	Permission with conditions on 09/08/18
Application No.	HS/EX/18/00485
Description	Application for a Certificate of Lawful development for existing use as an Amusement Park
Decision	Certificate Not Issued on 09/08/18
Application No.	HS/FA/17/01056
Description	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).
Decision	Withdrawn - Appeal against non-determination on 06/11/18
Application No.	HS/FA/18/01009
Description	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty.
Decision	Permission with conditions on 07/03/19

Application No. HS/FA/17/01056
Description Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).
Decision Appeal Withdrawn on 11/03/19

Application No. HS/EX/18/00485
Description Application for a Certificate of Lawful development for existing use as an Amusement Park
Decision Appeal Allowed on 13/05/19

Application No. HS/EX/18/00067
Description Application for a lawful development certificate for existing use as an Amusement Park
Decision Appeal Allowed on 22/05/19

Application No. HS/FA/19/00417
Description Replacement of existing bi-fold doors with new bi-fold doors
Decision Permission with conditions on 09/08/19

Application No. HS/CD/19/00369
Description Discharge of condition 4(material samples) of Planning Permission HS/FA/18/01009 - Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty.
Decision Permission with conditions on 31/03/20

Application No. HS/FA/20/00355
Description Proposed removal of galvanised heras fencing to be replaced with blue iron curved fencing
Decision Permission with conditions on 24/07/20

Application No. HS/FA/21/00979
Description Proposed removal of low-level walls.
Decision Permission with conditions on 24/02/22

Application No. HS/CD/21/00240
Description Discharge of condition 6 (details of boundary walls, fences and other means of enclosure) of Planning Permission HS/FA/18/01009
Decision Refused on 02/11/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern 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

Policy E4 - Tourism and Visitors

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy 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 HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Policy HN8 - Biodiversity and Green Space

Policy CQ1 - Cultural Quarter

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP6 - Enhancing the Historic Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards

Policy DP3 - Sustainable Design

Policy DP5 - Biodiversity

Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021)

Hastings Heritage Report (Nov 2017)

Hastings Draft Conservation Area Appraisal and Management Plan

ESCC Guidance for Parking at Non-Residential Development

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

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

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

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

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

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

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

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

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

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

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

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

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

Paragraph 194 of the National Planning Policy Framework states that 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 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the National Planning Policy Framework states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

3. Consultation comments

Hastings Borough Council Conservation Officer – No objection. Initial objection raised to the proposal on the grounds that the proposal would result in less than substantial harm to the character and appearance of the Conservation Area. However, the agent for the applicant has since amended the plans in response to the feedback received. The latest set of comments received from the Conservation Officer on 20th April 2023 indicate that the objections which were previously raised are now withdrawn and the scheme is now considered to be acceptable from a heritage perspective, subject to condition.

East Sussex County Council Archaeology Team – No objection

Environment Agency – No comments received

Hastings Borough Council Estates Team – No comment. If planning consent is granted the tenant is required to obtain the Trust's consent as their Landlord prior to carrying out any works.

Foreshore Trust – No comments received

Hastings Borough Council Marketing and Projects Manager (Tourism) – Support the application

Natural England Newts Officer – No comment, refer to standing advice.

Nature Space – No objection – Although the applicant has submitted no ecological information, due to the lack of suitable habitat between the pond and the development site it is unlikely that Great Crested Newts will be adversely impacted.

4. Representations

In respect of this application, a site notice was displayed next to the application site and an advert was placed in the local paper.

30 no. letters of objection were received from 30 different individuals, including a representation submitted on behalf of the Old Hastings Preservation Society.

The letters of objection which have been received raising the following concerns:

- The development constitutes overdevelopment
- The proposed extension is excessive in its bulk and scale
- The design is insensitive to the surrounding area
- The design is harmful to the character and appearance of the Conservation Area
- The development will result in harm to the setting of the nearby listed buildings and bus shelter
- The development will negatively impact public access to the beach

- The development proposal obstructs public views to the sea
- The development discriminates against those with impaired mobility
- The application proposal fails to serve the residents of the town
- The proposed gables are excessive in size

Cllr Hilton has also elected to call the application to the Development Control Committee on the following grounds:

1. The revised proposal is for a larger and bulkier footprint for the building and will be out of scale for its surroundings. It feels too big now to sit relatively close to the listed bus shelter.
2. The gable details are also larger in scale than originally proposed.

5. Determining issues

The main issues are the principle of the development, the impact of the proposal upon heritage, the design of the proposal and its impact on the character of the streetscene, the impact of the proposal upon neighbouring amenity, ecology, waste and refuse storage, flood risk and drainage, and archaeology.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development.

Policy E4 of the Hastings Planning Strategy 2014 relates to the provision of facilities for tourists and visitors to the town. The policy states that new visitor attractions will be encouraged and those that already exist will be protected, unless it can be demonstrated they are no longer economically viable, either in existing or adapted form. It further states that the upgrading of existing provision will be encouraged where the proposal increases the range and/or quality of tourist facilities. Proposals for new visitor attractions will be considered sympathetically anywhere within the Borough, subject to other policy requirements, though the seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront.

The site lies in a sustainable location and it benefits from good access to public transport, shops, services and facilities. As such, the principle of extending an existing building in this area is considered to be acceptable in principle, subject to the development meeting the other Local Plan policy requirements as set out below.

With regards to the proposal's contribution towards making provision for tourist facilities, the development proposal will result in the expansion and extension of a building within an existing amusement park. The proposed extension will enlarge and modernise existing recreational facilities on the seafront for the benefit of local visitors, tourists and staff. On the basis that the proposal will improve existing facilities within the park and help to secure the future viability and use of the site as a visitor attraction, the proposal is considered to be in accordance with policy E4. I have consulted with the Council's Marketing and Projects Manager, who has elected to support the application on the basis that the improvement of the existing arcade buildings will help to encourage visitors to the area and to increase the footfall and vitality of the seafront.

Whilst some concerns have been raised in the local representations relating to the closure of the pedestrian access to the site and in relation to the project's potential adverse impact on disabled visitors and residents, the agent for the applicant has confirmed that public access through the site will be restored through the creation of the new pedestrian pathway which was approved as part of application ref: HS/FA/18/01009 and the existing and proposed site

plans have been amended to reflect this. The proposed mouse coaster pinball ride which is also outlined on the site plan will sit above the approved pedestrian pathway so there is no conflict between the new proposed pedestrian access and the new amusement ride.

b) Impact on Heritage

Paragraph 194 of the National Planning Policy Framework states that 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 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the National Planning Policy Framework states that 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.

Policy EN1 of the Hastings Local Plan Planning Strategy (2014), states that importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (a) Listed buildings; (b) Conservation areas; (c) locally listed heritage assets (d) historic parks and gardens; (e) scheduled monument sites; and (f) areas of archaeological potential and known archaeological find sites.

Policy HN1 of the Hastings Development Management Plan 2015 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:

- a) 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; and
- b) 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).

Policy HN2 of the Hastings Development Management Plan 2015 states that the Council will seek to maintain the form and appearance of original windows, doors and roofs where this contributes to the character of the building and the significance of the wider conservation area. Planning permission will be given for new windows and doors that reflect the traditional proportions, materials, finishes and opening arrangements of those that were originally fitted in the building. Where replacement roofs are concerned, and new proposed roofing materials should not harm the character or appearance of the building or conservation area.

In this case, the application site is located within a Conservation Area, and the development proposal falls within the setting of a number of listed buildings and structures.

The potential impact on each designated heritage asset will be dealt with in turn below:

i) Impact on Conservation Area

The application site is located in a prominent position within the Hastings Old Town Conservation Area. The application proposal also has the potential to impact the long views from East Hill, within the Hasting Central Conservation Area.

Although the Council has no current adopted Conservation Area Appraisal for the Hastings Old Town at this time, the Hastings Heritage Report (Nov 2017) describes the seafront at paragraph 6.5.7 as follows:

'The seafront represents a distinct feature of Hastings' heritage and it is, above all, the aspect of the town that shapes visitors' perceptions of the place. It includes some of the most important aspects of the built, natural and intangible heritage. It borders very different parts of the town, but it is, importantly, a single entity, raising similar conservation and management issues along its entire length. It is perhaps the single most important aspect of the town's heritage, yet also the place in which heritage conflicts most directly with other uses and priorities: it is literally the place where the town comes together.'

At paragraph 7.8.1, it goes on to say the following:

'The seafront is the key feature of the any seaside town and, at Hastings, it is the location of some of the town's most historic buildings and a key part of the setting of many of those inland. The topography of Hastings means that the seafront provides one of the most impressive vistas in the region, visible in its entirety from the many high points in the town. Its long, continuous sweep includes the ancient hill forts and the Norman castle, the seaward end of the medieval Old Town, the fishing beach and net huts, the Georgian and Victorian resort buildings, Burtons' St Leonards and the mid-20th century Marine Court, promenade and 'Bottle Alley'. Whilst the Council has focused significant resources on improving the appearance of the seafront in recent years, it is still marred by run-down buildings, heavy traffic, parking, inappropriate signage and unsympathetic modern developments.'

As discussed in the Hastings Heritage Report (2017), certain aspects of the existing developments along the seafront, such as the large car parks and amusement facilities, exaggerate the division between the town and the seafront and the division of the two spaces is further accentuated by the presence of the A259 and Rock-A-Nore Road, which run between the two distinct character areas. With regards to the character and appearance of the land around the application site, the immediate locality is dominated by leisure and tourist facilities. Although the application site lies to the south of a listed bus shelter, the remainder of the buildings and other structures in the immediate vicinity are in use in association with the amusement arcade. Accordingly, the area has a mixed appearance, notwithstanding the high number of historic buildings located immediately opposite the application site, on the northern side of the A259.

In this case, the development constitutes an amended version of an extension to a building

which has already been approved as part of a larger development proposal under application ref: HS/FA/18/01009. When compared to the previously approved extensions and alterations to the building, the current proposed scheme proposes changes to the external appearance of the property and it increases the scale of the building in order to increase the amount of usable floorspace at ground and first floor level. The external appearance of the building has been amended to reflect a new design which is inspired by the Ice House development on Rock-a-Nore Road. As a consequence, the size and position of the eight projecting gabled dormer windows has been altered and the 12 proposed Conservation-style roof lights have been relocated on the roof. The amount of glazing has also been enhanced at first floor level through the addition of new glazed panels within each of the gables. The new proposed design also allows for the addition of a new walkway with glazed curtain walling at ground floor level along the eastern elevation. At roof level, sections of flat roof have been created to further enhance the amount of usable space at first floor level.

With regards to the potential impact of the proposal upon the historic significance of the Conservation Area, whilst the Council do not take a prohibitive view towards contemporary design within Conservation Areas, any significant physical changes to buildings in prominent locations should be delivered to an appropriately high standard. Whilst the proposed physical changes to the building will increase the bulk and scale of the building, the height and length of the building will be largely similar to that which was approved under the 2018 scheme. In addition, the increase to the depth of the building will be largely obscured from view due to the orientation of the taller part of the extension in relation to the northern end of the building, such that it will not negatively impact the important views on the approach to the Old Town. Furthermore, the revised design results in an improved aesthetic appearance which is considered to draw more on the character and appearance of other landmark buildings in the area. The construction materials are also considered to be appropriate. As a consequence, the revised proposal is considered to better conserve and enhance the character of the Conservation Area when compared to the previously approved scheme.

Although policy HN2 of the Hastings Development Management Plan 2015 states that the Council will seek to maintain the form and appearance of original windows, doors and roofs where they contribute to the character of the building and the significance of the wider conservation area, the existing building is not considered to make a positive contribution to the character and appearance of the Conservation Area in its current form and the acceptability of extending the building, altering the windows and doors at ground and first floor level, and changing the roof form and profile has already been established via the previous planning approval.

I have consulted with the Conservation Officer regarding the proposal. Although an initial objection was raised to the scheme, the applicant has worked with the Conservation Officer and revised the plans a number of times in response to their previous feedback in order to achieve an acceptable design. The most recent set of comments from the Conservation Officer confirm that there is no objection to the proposal and that the character and appearance of the Conservation Area will not be adversely impacted, subject to condition.

ii) Impact on the setting of Designated Heritage Assets

As identified in the HER Report, due to the historic nature of the area surrounding the application site, 141 listed buildings are located within a 250-metre radius of the site. Of the listed buildings in the vicinity, those which are closest to the application site and which face directly onto it include a grade II listed bus shelter, which is immediately west of the application site, the properties at 1-20 East Parade, which are mostly grade II listed (exceptions are 3 and 4A, which are not listed), and 3, 4, and 5-7 (London Trader Public House) East Beach Street, which are also grade II listed.

Bus Shelter

The listing description in respect of the bus shelter is as follows:

'TQ 8209 SW HASTINGS EAST PARADE (South side)

15/10035 Bus Shelter

II

Bus shelter. Circa 1900. Built of wood, cast iron and glass with shingled roof. Rectangular structure with 8 cast iron columns supporting half-hipped roof with some patterned shingles. Deep eaves overhang. Columns have decorative cast iron brackets. Between the columns are wood and glazed panels with beaded panelling enclosing four original wooden benches. There is a similar bus shelter at Rock-A-Nore.'

Although the new proposed development will be located approximately 7.5 metres from the side elevation of the listed shelter, the extensions and alterations to the building will not harmfully impact the setting of the grade II listed structure. Whilst the extensions to the arcade building will increase its depth and the roof form will be altered, the views towards the taller elements of the roof extension are largely obscured by the northern side of the building, such that any potential views towards the listed structure from the town centre and from the old town will not be significantly or harmfully impacted.

1-20 (excl. 3 and 4A) East Parade

The properties along East Parade constitute a collection of grade II listed two and three storey period properties. The properties are individually designated but small clusters of the buildings, such as 18A, 19 and 20, are considered to make a significant contribution as part of a group. The properties date predominantly from the mid to late nineteenth century. The properties are individually designed but a number have common architectural characteristics such as canted bay windows, sash windows and plain tiled roofs. Externally the properties are clad either in timber weatherboard or pastel painted render. The properties occupy a prominent location and their quirky character contributes to some of the key views along the seafront.

With regards to the potential impact of the development upon the setting of the listed buildings on East Parade, although it is acknowledged that the development will be visible from the A259, the road affords sufficient separation between the town and the seafront to avoid negatively impacting the setting of the listed buildings and the historic significance of the row of listed properties will remain the same.

3, 4, and 5-7 East Beach Street

The grade II listed properties at 3-7 East Beach Street are 3 storey period terraced buildings. The properties are individual in character and are designed with tiled hipped or pitched roofs, sash windows (with canted bays to no. 4), rendered exteriors, and hung tile decoration. In a similar manner to the properties along East Parade, the buildings are sited in a prominent location at the entrance to Hastings Old Town and they contribute to the historic character of both the Old Town and the seafront front.

The development proposal is unlikely to significantly or adversely alter the setting of the listed buildings due to the scale and orientation of the development, the distance from the application site and the degree of separation afforded by the A259 and Rock-a-Nore Road. As a consequence, the historic significance of the buildings will remain unchanged.

In light of the above, the proposal is considered to meet the requirements of policy EN1 of the Hastings Planning Strategy 2014 and policies HN1 and HN2 of the Hastings Development Management Plan 2015.

c) Design and Impact on the character and appearance of the Streetscene

Policy DM1 of the Hastings Development Management Plan promotes the application of common principles to achieve high quality design within the borough. The policy states that new proposed schemes should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties. Any new proposed developments should be designed in accordance with best practice guidance, make efficient use of land and the properties should be orientated to achieve attractive streetscapes and take into account the effects of solar gain.

With regards to the bulk and scale of the proposal, when compared to the previously approved scheme, although the depth of the building is to be enlarged and the roof of the building will increase in size, the length of the building and the height of the building will be very similar to the proposal set out in the extant planning permission. As a consequence, the building should not appear so significantly enlarged as to render the scheme unacceptable. Notwithstanding the increase in the size of the roof extension, the multiple roof pitches and gables dormer additions should help to break up its perceived bulk. With regards to the scale of the proposal as seen from public vantage points, the proposed changes to the side profile of the building will be most apparent when viewed from the southern side of the building, which will be largely obscured by the neighbouring ghost train building. The views of the roof profile along the northern elevation will be largely obscured by the northern side of the existing building and the development should not appear excessive in its scale or bulk.

With regards to the amendments to the exterior of the building and the potential impact upon the character of the surrounding area, when compared to the extant planning permission, the proposed changes are considered to result in an improvement to the aesthetic appearance of the building overall. The style and architectural features of the new design are considered to be more in keeping with the character of the surrounding area, notwithstanding the increased bulk and scale of the building. The eastern and western elevations of the building will appear contemporary whilst incorporating some more traditional architectural features. The proposed construction materials remain appropriate and in keeping with the surrounding area.

As mentioned above, the proposal will not impede permeability through the site as the previously approved pedestrian pathway is still to be implemented.

On this basis, the proposal is considered to be acceptable from a design perspective.

d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

In line with part (a) of Policy DM3, the scale, form, height, mass and density of any buildings should avoid having any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

In this case, owing to the nature of the application site, the use of the surrounding buildings, and the distance between the site and the nearest neighbouring residential buildings, the proposal is unlikely to adversely impact neighbouring outlook, privacy or neighbouring access

to daylight and sunlight.

e) Ecology

The site comprised of a two-storey building within an existing amusement park.

The application is not supported by any ecological information. However, in view of the nature of the site and in view of the extant planning permission for the extension of the building, it is considered that there would be no harm to protected species or habitats.

Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts. However, Nature Space and Natural England Newts Officer have been consulted and neither consultee has raised any objections to the proposal. An informative will be added to any future consent reminding the applicant of their obligations should Great Crested Newts be found at any point during the construction phase of the development.

f) Air quality and emissions

The proposed development does not fall within the screening checklist of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

g) Lighting

No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

h) Highway safety/parking

Although the site is located immediately adjacent to the A259, due to the contained nature of the application site, the proposal should not adversely impact highway safety. A condition will be added to any future consent to ensure that the applicant submits a Construction Management Plan which will detail the routing of any staff or construction and delivery vehicles to and from the site.

The application proposal does not include any allocated parking on site. However, when the previous planning approval was considered, it was deemed to be acceptable without any on-site parking provision. In view of the nature of the site, the sustainable nature of the location and the proximity of the site to several public car parks, a bus stop and to the main line station, the improvement of facilities within the existing amusement park is unlikely to result in a significant increase in traffic or in an undue amount of parking stress when compared to the previously approved scheme, particularly when considering the existing number of visitors to the area.

The proposal is therefore considered to be acceptable from a highways perspective.

i) 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.

j) Drainage

Policy SC7 of the Hastings Planning Strategy (2014) states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The application site as delineated within the red line is located outside of flood zones 2 and 3. However, the site is shown to be susceptible to surface water flooding.

The foul drainage will be via the main sewer in line with existing foul drainage. With regards to surface water, the applicant has completed the SUDs toolkit form. The new proposed development is comprised of extensions and alterations to an existing building and the extensions to the building are to be erected across existing areas of hardstanding. As a consequence, the surface water runoff rate will remain unaltered. As a consequence, the proposal should not increase flood risk within the site.

k) Archaeology

The application site is located within an archaeological notification area.

However, in view of the fact that the proposed extension to the building are to be constructed on land which has already been developed, the potential impact of the development from an archaeological perspective is likely to be limited. I have consulted with ESCC Archaeology officer, who has raised no objection to the proposal.

6. Conclusion

The acceptability of extending and altering an existing arcade building and increasing its height is already established through the planning history relating to the site. Although the scale and bulk of the building will increase when compared to the previously approved scheme, the proposal is considered to improve the design aesthetic of the building and to better conserve and enhance the character and appearance of the Conservation Area and the setting of the nearby listed buildings and structures.

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

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

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

BA2164.01, BA2164.05 Rev C, BA2164.06 Rev H, BA2164.07 Rev B, BA2164.09
3. Samples of all the materials to be used in the construction of the external surfaces of the new buildings/extensions shall be submitted to the local planning authority for approval, prior to the above ground works going ahead on site. The samples shall be labelled to clearly state the manufacturer, product name and reference, colour and finish variation provided. Samples submitted shall include all colour and finish variations proposed for use. The development shall then be carried out in full accordance with the approved details.
4. No works shall commence on the above ground works until the following details have been submitted to and approved in writing by the local planning authority :
 - Full details of the proposed new joinery (windows, doors, etc.) to include elevations at 1:10 scale of each door or window type, plus 1:2 or full size horizontal and vertical section drawings, showing the section sizes and profiles through all new joinery elements, to include proposed frames, cills, heads, jambs, rails, panels, casements, sashes, glazing bars, and horns.
 - Full details of the proposed new covered terrace to the east elevation of the new building, to include detailed elevations at 1:20, plus 1:5 scale typical vertical section drawings through the new covered terrace structure (east-west and north-south).
 - Full details of the proposed new roof lights, to include the manufacturer's brochure details, model reference, dimensions, materials, and finishes, plus 1:10 elevations, and 1:2 sections through the proposed new roof lights, including installation details of the roof lights within the proposed roof structure.
 - Details of all new external roller shutters, information submitted to include the siting, size, appearance, materials and finishes, the position and size of the shutter housing, the slat size, and the degree of solidity of the slats.
 - Section details through one of the new gable features on the east and west elevations of the building, to include example details of the proposed profiles for the windows, eaves, soffits, fascias, gutters, verges and abutments, drawn at a scale of 1:5, plus confirmation of the proposed materials and finishes of these elements of the building.
 - Full details of the proposed new rainwater goods, to include the manufacturer's brochure details and confirmation of the sizes, profiles,

materials and finishes of all types being proposed for use.

- Full details of any new external lighting elements on the new buildings/extensions, to include siting, size, profile, appearance, materials, colour, and degree of illumination

The development shall then be carried out in full accordance with the approved details.

5. The lower level terne coated stainless steel flat roof to the eastern side of the new building shall be set out with traditional round batten rolls to replicate the appearance of a lead roof.
6. 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.
7. The property shall not be occupied until such time as it has been connected to the main drainage system to the satisfaction of the Local Planning Authority.

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. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
4. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
5. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
6. To safeguard the amenity of nearby residents.
7. To prevent increased risk of flooding.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National

Planning Policy Framework.

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

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

4. Separate foul and surface water drains must be provided. You are advised to consult Southern Water Services Ltd. with regard to an application for connection to the public foul and surface water sewers.
5. The applicant is advised that under the terms of the lease, the Trust's consent as landlord is required to carry out any alterations.

Officer to Contact

Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/21/00946 including all letters and documents