

App.No: 171163	Decision Due Date: 16 November 2017	Ward: Devonshire
Officer: Luke Simpson	Site visit date: Various	Type: Listed Building Consent
Site Notice(s) Expiry date: 15 October 2017		
Neighbour Con Expiry: N/A		
Press Notice(s): 29 September 2017		
Over 8/13 week reason: To meet committee cycle		
Location: Eastbourne Pier, Grand Parade, Eastbourne		
Proposal: Paint the entrance mall roof white in colour with a metal protective and sealant paint.		
Applicant: Mr Sheikh Gulzar		
Recommendation: Refuse		

Executive Summary:

This application is reported to planning committee at the discretion of the Senior Specialist Advisor given that similar recent cases relating to this building have been heard at planning committee and follows a refusal of listed building consent for the same proposal and also Planning Committee site visit to assess the merits/impacts of the proposal.

This application seeks the approval to paint the existing zinc colour roof at the entrance pavilion to the pier white.

Historic England, Conservation Area Advisory Committee, along with the Councils Conservation Officer consider that the works would result in harm to the character and appearance of the Grade II* listed building.

Application is recommended for refusal.

Planning Status:

Eastbourne Pier is a Grade II* listed pier comprising a mixture of retail and entertainment uses.

Relevant Planning Policies:

National Planning Policy Framework 2012

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
12. Conserving and enhancing the historic environment

Core Strategy Local Plan 2013 Policies

Policy B2: Creating sustainable neighbourhoods

Policy D10: Historic Environment

Eastbourne Borough Plan Saved Policies 2007

Policy UHT1: Design of new development

Policy UHT17: Protection of Listed Buildings and their settings.

Site Description:

The Pier is a grade II* listed building located to the south east of the town centre on the seafront and accessed from Grand Parade. It is situated directly opposite the junction of Grand Parade, Elms Avenue and the Pier Hotel and adjacent to the grade II* listed Claremont Hotel and Burlington Hotel to the east, and the grade II listed Belle Vue Hotel, Miramar Hotel and Queens Mansions to the north.

The section of the Pier which is subject of this application is located at the entrance from Grand Parade. Known as the entrance pavilion, the structure forms a pavilion spanning the width of the pier, featuring white elevation and a grey zinc colour roof. It is amongst the most visible parts of the Pier.

Relevant Planning History:

Numerous historic applications for listed building consent have been submitted in relation to the pier. The most recent/relevant of which are listed below.

141413

Dismantled the existing fire-damaged arcade frame, together with the removal and replacement of the affected timber deck and deck support steelwork. Removal, refurbishment and reinstatement of existing cast iron balustrade, lighting columns and wind breaks. Replacement of the arcade building itself will be subject to a separate application.

Listed Building Consent Approved conditionally

11/12/2014

150285

Installation of rides and stalls upon the decking at the location of the former Blue Room at Eastbourne Pier for a temporary period of at least 18 months prior to redevelopment. (Amended description).

Planning Permission Refused

04/06/2015

160872

Retrospective Listed Building Consent for the following works to Eastbourne Pier; Painting Lion detailing on 49no. lamp posts (primer undercoat layer and gold metallic outer layer); painting 13 Domes and pinnacles (primer undercoat layer and gold metallic outer layer).

Approved conditionally

21/09/2016

170221

To paint the remaining 2 domes in the middle of the Pier in Gold colour to match the existing 13 Domes. To paint the flat roof of the entrance mall with a neutral white weather proof sealant paint.

Split Decision :- Approved the Gold Domes and Refused the White Paint

02/05/2017

Proposed development:

Listed Building Consent is sought to paint the existing zinc colour roof of the entrance pavilion white.

Consultations:

Internal:

Conservation Area Advisory Group considered at meeting on 3rd October 2016.

The group reiterated their comments made at the previous meeting on the 23rd August 2016, at which they objected to any further painting of the building.

Specialist Advisor (Conservation):

Letter dated 16th October 2017. The Conservation Officer has concerns over the impact of the works on the special character and features of the listed building. Could result in undifferentiated white paint obscuring the elegance and impact of the Pier, which in turn would be likely to have an adverse impact on the significant of the heritage asset's setting.

Councillor David Tutt: has confirmed that he has no objections to the proposal.

External:

Historic England

Letter dated 6th October 2017. Historic England objects to the proposed works.

In summary:

Painting the roof from grey to white would change the character and appearance of the roof and thus cause harm to the significance of the Pier.

There are concerns that agreement to painting of such a roof area as this might set a precedent for other parts of the Pier to be similarly painted, and this could have a greater cumulative effect.

It is considered that whilst the level of harm that would be caused to the significance of the Pier as a grade II* listed building would be less than substantial in terms of the NPPF, the works are not necessary for the performance of the roof and therefore fail the test set out within the NPPF that all harm must require clear and convincing justification, and that the harm must be outweighed by public benefit. The works are not considered to be necessary for the performance or continuing functionality of the roof.

As such, it is deemed that the proposed works do not meet the requirements of paragraphs 132 and 134 of the NPPF, or sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Eastbourne Society

No response received, although they have representative of the Council Conservation Area Advisory Committee who as a committee has objected to the proposal.

The Victorian Society

No response received

Chamber Of Commerce

No response received

Neighbour Representations:

No independent third party representations have been received.

Appraisal:

The works amount to the painting of the grey colour zinc entrance pavilion roof at the front of the pier white.

Historic England, CAAG and the Council's Conservation Officer object to the works as they have previously done so with similar proposals under application 170221.

In all cases the principal objection is that the application of white paint to the zinc roof of the entrance pavilion would materially harm the attractive and historic appearance of the Grade II* listed Pier.

This consideration has been arrived at due to the zinc colour roof being an important part of the Pier's character and appearance. Whilst consent has been granted in recent years to apply alternative coloured paint to various roof parts of other structures on the pier, it is deemed that the retained presence of natural grey zinc colour throughout the pier creates an overall consistency in terms of materials and colour, which importantly creates the celebrated and graceful silhouette on the seafront which can be detected from important long range viewpoints, such as from Beachy Head.

It is therefore felt that the application of white paint would alter the character and appearance of the roof-scape, resulting in no clear distinction between the roofs and walls of the structure and thus causing harm to the overall significance of the Pier, as well as the public's appreciation and understanding of the details and materials of its construction.

The applicant's justification to carry out the works is to mitigate against the effect of bird excreta on the roof, which the applicant contends despoils the appeal of the Pier to visitors; however, it is considered that a more effective and aesthetically beneficial solution to address this issue would be to regularly clean the roof.

There are also concerns that agreeing the paint scheme would set somewhat of a precedent for other parts of the Pier to be similarly painted, which could result in a cumulative impact that would erode much of the original character of the Pier.

In light of this, it is considered (and advised by Historic England) that the application does not meet the requirements of the NPPF, in particular paragraph 132, which requires that great weight should be given to the conservation of heritage assets, and that all harm should require a clear and convincing justification, nor those of paragraph 134, which requires that even less than substantial harm must be shown to be outweighed by public benefits. It is not felt that the harm that would be created to the listed building would be less than substantial.

Furthermore, there is a statutory duty to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest, which they possess, as set out by section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, as the Pier is part of a conservation area, section 72(1) of the same Act is also relevant, stating that special attention must be paid to the desirability and preservation and/or enhancement of the character and appearance of the conservation areas.

As a follow up to previous applications, it is recognised that the proposed works should be seen as part of a credible programme of improvements to the pier, including the refurbishment of the rear platform, the improvement works to the waterfront bar and the painting of the Pier's 15 domes. These works have previously been approved in an effort to provide requirements improvements to the physical condition of the Pier and to help secure its optimal viable use. As such, the public interest in permitting them was deemed more substantial than any resulting harm to the special character of the building and its setting. However, in this instance, it is not considered that the painting of the entrance pavilion roof in white would derive the same benefits. The justification for carrying out such works is largely cosmetic, and the improved aesthetic results of the removal of the bird excreta from the roof can be achieved through other means.

It is therefore concluded that the harm that would result from the proposed works to the Grade II* listed Pier would substantially outweigh any resulting public benefits, and therefore the application fails to comply with paragraphs 132 and 134 of the National Planning Policy Framework.

The application is therefore recommended for refusal.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

The proposed works are not considered acceptable for the preservation and/or enhancement of the special characteristics of the listed building.

Recommendation:

Refuse Listed Building Consent for the following reason:

That permission to paint the roof on the entrance mall be refused on the grounds that because of the choice of colour and materials used, the painting of the roof areas to the entrance feature to the Pier would harm the special historic interest of this Grade II* Listed Building. This would result in less than substantial harm to this heritage asset without sufficient mitigation through demonstrable public benefits of the proposed works. This is contrary to paragraph 134 of the National Planning Policy Framework, Policy B1, D10 and D10A of Eastbourne Core Strategy (adopted 2015) and UHT1 and UHT17 of the Borough Plan (saved policies) 2007.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.