

<b>App.No:</b> 171394 (LBC) 171397 171398 (LBC)	<b>Decision Due Date:</b> 9 April 2018	<b>Ward:</b> Devonshire
<b>Officer:</b> Chloe Timm	<b>Site visit date:</b> Numerous	<b>Type:</b> Listed Building Consent & Planning Permission
<b>Site Notice(s) Expiry date:</b> 15 March 2018 <b>Neighbour Con Expiry:</b> 15 March 2018 <b>Press Notice(s):</b> 23/03/18		
<b>Over 8/13 week reason:</b> Within Time		
<b>Location:</b> Eastbourne Pier, Grand Parade, Eastbourne		
<b>Proposal:</b> <b>171394</b> Proposed erection of 2no kiosks as a like for like replacement to the previous kiosks lost in the July 2014 fire. <b>171397 &amp; 171398 LBC</b> To construct 2 new Units Similar to the existing Victorian Tea Rooms in the open deck area to fall in line with the existing Character of this Grade 2* listed building		
<b>Applicant:</b> Mr Sheikh Gulzar		
<b>Recommendation:</b> 171394 (LBC) :Refuse 171397 :Refuse 171398 (LBC) :Refuse		

### Executive Summary

These applications propose four new buildings to be erected on the open deck area closest to the landward end Eastbourne Pier. These buildings closely mimic the size, footprint and external appearance of existing buildings on the Pier.

The application is not supported by a heritage statement/business plan that identifies how these buildings are to be used and how they may fit within the medium to long term development plans for the pier.

The buildings are to be formed by a steel skeleton clad with glazing and white UPvC frames and infill panels.

Given the lack of supporting information outlining and justifying the harm caused to the existing building and the use of poorly detailed/justified modern materials are likely to cause incremental harm to the heritage asset.

The likely harm to this Grade 2\* listed building is considered to be so severe that support for the proposal would undermine the sustained quality of this heritage asset.

All applications are recommended for refusal.

### **Planning Status:**

Eastbourne pier is widely acknowledged as being the finest remaining example of Eugenius Birch's seaside Victorian piers which is reflected in its designation as a grade 2\* listed building. The pier began as a promenade pier and was subsequently adapted to a pleasure pier, with the kiosks and entertainment pavilions constructed on the pier itself being built and adapted over time to reflect the changing demands of customers and owners. As such the pier in its current form represents a building that is constantly evolving and changing and cannot necessarily be fixed in a certain point of time.

### **Site Description:**

The Pier has come to be a symbol of the town, because of the affinity people feel with it as representative of the social history and cultural significance of Eastbourne. It is recognised and a major part of the historic seafront as well as part of the Conservation Area. This character includes The Bandstand, promenades, sheltered seating, viewing areas, iron railings and lamp standards, which collectively are indicative of the Victorian and Edwardian expansion of Eastbourne town for residents and tourist.

### **Constraints:**

#### **Listed Building**

II\*

1971-05-17

Grand Parade - Pier

#### **Conservation Area**

Town Centre and Seafront Conservation Area

### **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

*Paras 128,*

*...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...*

*Para131,*

*...In determining planning 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.*

*Para 132,*

*...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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*Para 133*

*...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 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 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.*

*Para 134*

*...Where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

### 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.

## **Relevant Planning History:**

Numerous historic applications for listed building consent, with the most recent listed below for information purposes.

141413

Dismantle 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 also required for: 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).

Listed Building Consent

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 roofs on the entrance mall with a white weather proof sealant paint.

Listed Building Consent

Split Decision Grant the gold domes and refuse the white paint.

02/05/2017

170566

Remove broken rusted shutter and boxing and replace with traditional stainless steel galvanised gates.

Listed Building Consent

Approved conditionally

02/06/2017

171163

Paint the entrance mall roof white in colour with a metal protective and sealant paint.

Listed Building Consent

Refused  
12/12/2017

**Proposed development:**

The works proposed under these applications consist of:-

**171394** *Proposed erection of 2no kiosks as a like for like replacement to the previous kiosks lost in the July 2014 fire.*

These two units are identical in shape, form, scale and external design and seek to replicate as far as is practicable to those buildings lost to the fire.

Each of the buildings has a broadly cruciform footprint under a pitched roof that is terminated in gable ends to each elevation. The buildings measure broadly 5.4m in width and 7.4m in length and provides approximately 32Sqm of internal floorspace.

These buildings would have a steel skeleton and roofs are clad in zinc with infill panels and doors. The infill panels are to be formed in white UPvC plastic.

**171397 & 171398 LBC** *To construct 2 new Units Similar to the existing Victorian Tea Rooms in the open deck area to fall in line with the existing Character of this Grade 2\* listed building*

These two units are identical in shape, form, scale and external design and seek to replicate as far as is practicable to the existing 'Tea Room' on the Pier. Each building proposes a broad elliptical footprint under gently sloping roof to an ornament ridge feature running centrally along the ride of the building and a cupula and ornamental finial at either end of the building.

Each of the buildings has an internal floor space of approximately 172 sqm, an overall length (inc overhanging roof) 23.3m and a height to the ridge of the main part of the building of 3.5.

The building is to be formed from a steel skeleton with infill panels and doors. The roof is to be formed with/by 'glass reinforced plastic' (GRP) and the infill panel are to be formed by glazing and white UPvC frames, panels and doors.

These applications propose the construction of new buildings on the deck of the Pier in part to recover examples that once existed and in part to provide some replacements of the lost 'Blue Room'.

The applicant, along with many respondents to the consultation exercise draw attention to and acknowledges the investment that has been made in to the pier. This includes works to repair the substructure and platform of the pier, works to provide additional seating and general repair and decoration which will help sustain the pier as a viable commercial enterprise which is an important asset to the town and integral to its appeal as a tourist destination. In this context the owner sees the replacement/new buildings as being integral to these works and his long term vision for the pier

## **Consultations:**

### Internal:

Councillor David Tutt:- Given that the structures are a direct like for like those that currently exist and those that were lost to fire damage I have no objections.

Specialist Advisor (Conservation) Objection:- their full response is appended to this report and in summary form their comments relate in broad terms to the following issues/comments:

- *Recognition that this Grade 2\* listed building has evolved over time*
- *Recognition that the design of the new buildings reflects the character and form of existing buildings on the Pier and that these buildings are seen as a replacement for the 'Blue Room' and other buildings lost to the fire.*
- *Recognition that in some way these new buildings and their multi-purpose use would help to support the viability of the Pier*
- *Recognition that the applicant contends that uPVC is cheaper, quicker to produce, easier to maintain and potentially enabling of other long- term projects through the rollover of any cost savings into other development works.*
- *Recognition that there are parts of the Pier (Theatre, Boat Launch) that will take significant investment to restore to full operational benefit and that to some regard this proposal may well support these wider ambitions.*
- *No worked-up proposals for us to assess, and we have no sense of what use the buildings will be put to and/ or whether those structures best suit those still unknown functions, raising the spectre that these substantial new spaces will prove inappropriate and lie empty or be put to temporary ad hoc uses with no economic gain to mitigate what the applicant's agent concedes will be an adverse effect.*
- *External materials being used, specifically the incorporation of uPVC into the structure are considered due to the lack of finesse in the external detailing of the window frames and infill panels are such that the resultant building would erode the value of the historic asset.*
- *Without a defined business plan within which these new buildings could be placed, read and understood it is considered that support for them in the current form would lead to incremental additions to the building which due to their piecemeal form and non-traditional materials would erode the value of the heritage asset and should be resisted in this context.*

### External:

Historic England: - Their full response is appended to this report.

In summary their comments relate in broad terms relate to the following issues/comments:

- *the applications are deficient in supporting detail but recognise the applicants desire to increase footfall and spend would go some way to protecting and enhancing the*

*longevity and viability of The Pier. The lack of supporting information means that it is difficult to assess the merits of these proposals along with and against the short/medium and long terms plans for the Pier.*

- *Recognition that the loss of fire structure has had a significant on the Piers roof-scape*
- *Recognition that these applications are an indication that fire damaged building will not be replaced. Given this there is no objection in principle to the creation of new structures and new roof-scape subject to appropriate design and appearance*
- *Consideration should be whether the design, character (inc. materials) and location of the new structures avoids causing any harm to the significance of the Pier.*
- *That UPvC has been used elsewhere on the Pier does not set a precedent and do not accept that its use would be quicker and cheaper for the life of the development.*
- *They do not endo Must have concern to the long term historic significance of the Pier and not short term expediency.*
- *Object to the use of non-traditional materials for the new structures...In terms of sustaining and reinforcing the historic character HE insist on the use of timber for the external appearance of both the recreated and new structures.*

Eastbourne Society

The Victorian Society: No objection to the principle of replacement buildings on the Pier but the lack of supporting evidence describing how the developments impact upon the heritage asset cannot be fully assessed.

Chamber Of Commerce

Neighbour Representations:

Objections have been received and cover the following points:

**Appraisal:**

Principle of development:

There is clearly scope/capacity for additional development/buildings on the Pier, especially on the open decked area at the landward end of the pier. It is fair to assume that the content of these proposal and their location are such that if supported and implemented then there would be no potential for The Blue Room (lost in the fire) to be replaced. There is no objection in principle to new built form to be a direct replacement of The Blue Room.

Any new development/structures should be reasoned/justified so that the full impacts of the proposal upon the heritage asset can be assessed and evaluated; whilst these applications are accompanied by a heritage statement it is considered that they do not justify the heritage impacts in NPPF terms. In the absence of having a credible/robust heritage impact assessment it is considered that there is an in-principle objection to the new buildings the subject of this applications.

#### Design/Conservation Area and Listed Building Issues:

It is noted that the applicants' intention is to mimic in design, form, scale and external appearance to those buildings that currently exist elsewhere on the pier. The buildings which inform the design of these new structures are single storey low span buildings that would create a new silhouette to the roof scape for this part of the pier. There is no objection in principle to the creation of a new roof scape for this part of the pier; it is noted that the proposed buildings are of lower stature than the lost Blue Room.

The proposed buildings are considered functional in terms of creating new internal space (for uses as yet unspecified) but in terms of the external detailing are promoting UPVC white cladding. It is clear from the advice/recommendation from Historic England and the Council's Conservation Officer that the use of non-traditional materials is harmful to this Grade 2\* listed building.

The supporting information is considered to be lacking and the drawn information is weak in outlining the extent and specific profiles for the infill cladding and frames. To support this scheme without this knowledge would potentially lead to incremental loss of and undermining the true heritage value of this asset.

It is clear from the table below that the quality of the asset in terms of its form and scarcity is held in high regard as a Nationally valuable asset. As identified by Historic England's consultation response to these applications that the fact that the existing buildings have UPVC within their external fabric is in no way justification for its use on the new units.

Source Historic England Web site March 2018

Grade 1	2.5%
Grade 2*	5.8%
Grade 2	91.7%

#### **Conclusion:**

In assessing the proposal against National advice within the NPPF and Local Plan policies it is considered that without evidence to the contrary the creation of the new accommodation in the form, location and design is considered to harm this high status heritage asset.

It is acknowledged that The Pier is one of the most visited attractions for the town and to some regard does elevate Eastbourne above other destinations. It is considered that any decision that may undermine the importance of this structure should be resisted.

Based on the evidence before officers and the reasons outlined in this report it is recommended that all applications should be refused Planning and Listed Building consent.

#### **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.



**Recommendation:**

**171394 (LBC), 171397 and 171398 (LBC)**

**Refuse Listed Building Consent and Planning Permission**

Without evidence to the contrary it is considered that the number, location, size, form and external appearance (using non-traditional materials) are likely to cause material harm the quality of this Grade 2\* listed building. The proposal would conflict with paragraphs 128, 131-134 of the National Planning Policy Framework and would also therefore be contrary to Policies UHT17 Listed buildings, UHT1 Design of New Buildings, UHT4 Visual Amenity D10 Historic Environment, D10A Design, of the Councils Local Plan and Core Strategy

**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**.