

**Report to:** PLANNING COMMITTEE

**Date:** 27 July 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Shearburn Holiday Park, Barley Lane, Hastings, TN35 5DX

**Proposal:** Change of use of private syndicate fishing lake to amenity land in association with Shearburn Holiday Park and including public fishing. Construction of footpath.(Retrospective)

**Application No:** HS/FA/15/01030

**Recommendation:** Grant Full Planning Permission

**Ward:** ORE

**File No:** HA62355T

**Applicant:** Mr Paul per Wheatman Planning Limited  
Wheatman Planning Ltd Beacon Innovation Centre Beacon Park, Gorleston, Norfolk. NR31 7RA

**Interest:** Freeholder

**Existing Use:** Caravan park

**Policies**

Conservation Area: No

Listed Building: No

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 10

Petitions Received: 0

**Application Status:** Not delegated - More than 2 letters of objection received

## Summary

This is a full planning application seeking retrospective permission for the change of use of the Ecclesbourne Reservoir from a private syndicate fishing lake to amenity land in conjunction with the Shearburn Caravan park. The second element of the application seeks retrospective permission for the retention of a track way providing direct access from the caravan park to the Ecclesbourne reservoir.

The proposal is considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

## **The Site and its Location**

Shearburn Holiday Park is within the High Weald Area of Outstanding Natural Beauty (AONB) and is adjacent to Hastings Country Park. Shearburn, within which the application site is located, is divided by Barley Lane. On the south-east side of Barley Lane is the holiday park and the touring caravan and camp site is on the north-west side. To the South the site borders the Hastings Country Park.

## **Details of the Proposal and Other Background Information**

As stated above this is a retrospective application which has been submitted following on from investigation by the Planning Enforcement Team.

### The Reservoir

Shearburn Holiday Park have owned the reservoir for approximately 18 months. Prior to this it was owned and run by a private fishing club. Members of the public belonging to the private club were able to access the lake via a gate to the East of the site. Visitors to the reservoir parked their vehicles in the Council owned car park on Barley Lane or on the verge of the road. Historically there has been no vehicular access to the lake edge. As set out in more detail below, the proposed development will comprise a track from the holiday park down to the lake which is intended to be used as a footpath only, other than for maintenance or emergency in which case a buggy will allow quicker access. It is proposed that the management and maintenance of the reservoir, in accordance with the 1975 reservoir act, will now be dealt with by Shearburn directly. The application proposes that the lake will be open to licensed fishermen, members of the general public and persons staying within the holiday park. Those wishing to fish will be required to purchase a day ticket from the Shearburn office. This is a similar situation to when the reservoir was privately owned whereby the club required payment for use of the lake by purchase of a day ticket.

## **Constraints**

- AONB
- Badgers
- Surface water flooding 1 in 1000
- Surface water flooding 1 in 100
- Surface water flooding 1 in 30
- Area susceptible to groundwater flooding
- Licensed caravan park
- Ancient woodland
- Detailed river network
- Adjacent to the Country Park, not within
- Adjacent to SSSI, not within
- Adjacent to local nature reserve, not within

## **Details of the Proposal and Other Background Information**

### **Previous Site History**

- |   |                |  |
|---|----------------|--|
| - | HS/FA/03/00607 | Alterations and swimming pool extension to entertainments building               |
|   | Granted        | 01/09/2003   |
| - | HS/FA/04/00031 | 1 X 36 X 20 static mobile home for permanent occupation as wardens accommodation |
|   | Granted        | 21/05/2004   |

-	HS/FA/04/00183 Withdrawn	Construct calor gas tank compound on south east side of barley lane 04/02/2005
-	HS/FA/04/00584 Granted	Extension to form reception and vertical circulation area 23/08/2004
-	HS/FA/04/01118 Refused	Erection of two pied gas storage areas. 14/02/2005
-	HS/FA/05/00004 Granted	Change of use and minor alterations to form holiday park laundrette and convenience shop 24/02/2005
-	HS/FA/05/00488 Granted	Formation of a piped gas storage area. 18/08/2005
	HS/FA/06/00605 Granted	Erection of piped gas storage area 15/11/2006
-	HS/FA/07/00140  Refused	Reposition entrance gates into existing touring field further back into site, erect timber post and rail fence from boundary to gates to each side of entrance road. Site 2no. static caravans adjacent to entrance to touring field for security control and warden accommodation. 04/05/2007
	HS/FA/07/00353 Granted	Conversion of existing house into two apartments for on site staff accommodation. 16/07/2007
	HS/FA/07/00913 Granted	Erection of extension to form a security office at the end of the existing toilet block. 18/12/2007
	HS/FA/14/00762 Granted	Erection of wooden reception building and retrospective consent for play equipment 06/11/2014
	HS/FA/15/00078 Granted	Erection of 2 Bay Pole Barn for use as Maintenance Vehicle Store 01/06/2015

## **Development Plan Policies and Proposals**

### Hastings Local Plan - Development Management Plan (2015)

DM1 - Design principles

DM3 - General amenity

DM4 - General access

HN8 - Biodiversity and green space (AONB)

HN9 - Areas of landscape value (AONB)

### Hastings Local Plan - Planning Strategy (2014)

EN7 - Conservation and enhancement of landscape (AONB)

FA5 - Strategic policy for eastern area

EN3 - Nature conservation and improvement of biodiversity

EN4 - Ancient woodland

EN6 - Local wildlife site

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 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.

Three dimensions of sustainability given in paragraph 7 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 10 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 73 states that Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

National Parks, the Broads and Areas of Outstanding Natural Beauty - note relevant paras  
National Planning Practice Guidance (NPPG)

Under the heading 'Health and wellbeing - What is the role of health and wellbeing in planning?

Paragraph: 001 Reference ID: 53-001-20140306 the guidance states, 'Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.'

Under the heading 'What are the links between health and planning?' Paragraph: 002 Reference ID: 53-002-20140306, the guidance states:

'The range of issues that could be considered through the plan-making and decision-making processes, in respect of health and health care infrastructure, include how:

- development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;
- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities;
- the local plan considers the local health and wellbeing strategy and other relevant health improvement strategies in the area;
- the health care infrastructure implications of any relevant proposed local development have been considered;
- opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);
- potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for in the consideration of new development proposals; and
- access to the whole community by all sections of the community, whether able-bodied or disabled, has been promoted.

## Details of Representations

No neighbouring properties fell within the consultation radius for this site, given its relatively isolated location. As such no formal neighbour consultations were carried out, however, a site notice was displayed at the front of the site along Barley Lane and an advert was placed in the local paper.

There have been 10 letters of objection submitted in relation to this application. The concerns within these letters are as follows;

- The application being retrospective
- Impact on ecology and biodiversity
- Impact on the Country Park
- Potential for further future development
- The lake falling outside of the Caravan site license.
- Introduction of clutter such as picnic tables, lighting, bins etc.

The Friends of Hastings Country Park Nature Reserve have also been consulted and have raised an Objection

- The loss of screening between the lake and the caravans
- Destruction of trees
- Protection of habitats, flora and fauna

The concerns within these letters have been addressed in the report below.

## Details of Consultations

- **Estates Team** - No Comments
- **East Sussex County Council Highways** - No Objection
  - The proposed change of use is unlikely to have a significant impact on the highway. However, adequate car parking facilities should be provided within the site for use by the members of the public wishing to fish.
- **High Weald AONB Unit** - No Comments
- **County Archaeologist** - No Comments
  - Cannot comment on the method of construction or likely archaeological impacts as the works have been carried out.
- **Natural England** - No objection
  - No requirement to undertake an Appropriate Assessment as there is not a significant effect on the interest features for which Hastings Cliffs SAC have been classified.
  - The SSSI does not represent a constraint in determining this application.
- **Environmental and Natural Resources Manager** - No Objection, subject to conditions
  - No potential ecological impact can be ascertained as the track is retrospective.
  - Ecology report has identified the need to increase biodiversity in the wetland area through marginal planting and floating islands which is secured through a condition
  - A condition has been suggested in relation to fencing along the rear of the site to control access to and from the Country Park.

## Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

## **Impact on the Character of the Area**

As stated above this site is located with an Area of Outstanding Natural Beauty and is in close proximity to the Hastings Country Park. Paragraph 115 of the National Planning Policy Framework (NPPF) states that; Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Policy HN9 of the Hastings DM Plan states that the inherent visual qualities and distinctive character of the Area of Outstanding Natural Beauty (AONB) and the Combe Valley Countryside Park, will be protected and that development will only be permitted provided it is not detrimental to the character, scenic quality or visual benefit of these areas.

Where development proposals have the potential to impact an area of landscape value a landscape assessment will be required to understand the level of impact. Where impacts are identified proposals should incorporate the recommendations of this assessment.

The applicant has advised that the track way was created to provide a more accessible means of reaching the reservoir for disabled persons and guests staying at the holiday park. The track has also been created to provide access should an emergency occur at the reservoir. Although the majority of works, in relation to the track way have been carried out, there is still an area at the lower end which is to be finished with bark chippings. Having visited the site and walked the track it is apparent that it has not been designed for frequent use by vehicles and having discussed the works with the site manager it is apparent that the only vehicles permitted to use the track are those that belong to the site which consist of a Gator, which is not dissimilar to a quad bike, and golf buggy. There are no future plans to open the track way up to allow other vehicles, including those belonging to the guests of the holiday park or members of the public, to directly access the reservoir.

Having walked the perimeter of the lake it is apparent that only a small portion of the track way is visible from the surrounding area and when the existing trees and shrubs have matured, the track will be fully screened. Similarly, when stood at the opposite side of the lake, where the site adjoins the Country Park, the track is barely visible when the trees are in leaf. It is acknowledged that this situation may alter during the autumn and winter seasons, however, due to the materials proposed to finish the track being natural bark chipping, it is considered that the track will not be visually prominent and will blend in to the woodland scene.

Concerns have been raised by the local objectors in relation to the potential encroachment into the Country Park where the sites abut. In light of this the Environmental and Natural Resources Manager has suggested that a condition be imposed requiring details of a suitable boundary treatment be submitted to and approved by the Council. This condition is considered proportionate to the change of use and has been welcomed by the applicant as they are keen to ensure the site can be managed appropriately. In terms of the numbers of persons visiting the site, this is difficult to quantify due to the nature of the proposed use of the lake. Although in planning terms it is not possible to condition or control the number of visitors to the lake, it is considered that due to the lake being owned by the Shearburn Caravan Park, it will be in their interests to ensure that the site is well managed and the quiet, peaceful atmosphere does not change.

Taking the above factors in to account it is considered that the completion and retention of the track way and the change of use to the reservoir is acceptable, as the overall use of the lake would not be materially different to the present situation and as such it would not have a detrimental impact on the Area of Outstanding Natural Beauty.

## Impact on the Highway

Point (d) of DM4 of the Hastings DM Plan states that 'Attention must be paid, not only to the access onto the site, but also access within all parts of any resultant development. Planning permission will be granted provided that parking standards set out within the adopted Parking Provision in New Developments Supplementary Planning Document are complied with'.

The application proposes no additional parking and as noted above the new footpath is not intended for vehicles, with the exception of emergencies. However, there is sufficient parking on site and an existing public car park adjacent to the site and the local Highway Officers have not objected to the application and as such there are no objections in this respect.

## Ecology and Biodiversity

Policy EN3 of the Hastings Planning Strategy refers specifically to nature conservation and improvement of biodiversity. This policy states that the towns biodiversity and geological resources will be protected and enhanced and that priority will be given to:

- a) protecting, managing and enhancing the Hastings Cliffs Special Area of Conservation, and other protected biodiversity and geodiversity sites and features including Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites around the town
- b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.
- c) ensuring proposals for development comply with national and local planning policies relating to biodiversity, and with national Standing Advice published by Natural England.
- d) improving the integrity and biodiversity of the green infrastructure network,
- e) minimising potential negative impacts of new development on the Hastings Cliffs Special Area of Conservation through the delivery of new greenspace across the Borough and through appropriate recreation management of Hastings Country Park and other key natural green spaces around the town
- f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town
- g) protecting woodland, particularly ancient woodland and veteran trees
- h) strengthening populations of protected and target species
- i) improving site management and increasing public access to areas of nature conservation importance
- j) influencing and applying agri-environment schemes, woodland grant schemes, flood defence and other land management practices to deliver biodiversity targets

Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.

Similarly Policy HN8 of the Hastings DM Plan states that development should result in no net loss of biodiversity or designated green space as defined on the Policies Map and that the weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites. It goes on to state that development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;

- a) the need for the development would outweigh the nature conservation interests;
- b) adverse impacts can be satisfactorily minimised through mitigation and compensation measures.

An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- a) information of existing on-site ecology;
- b) opportunities for connectivity between spaces and improved accessibility to them;
- c) green space and biodiversity improvements on and off-site as appropriate;
- d) opportunities for the retention or creation of green infrastructure;
- e) measures for the protection and management of ecology, where appropriate;
- f) an arboriculture assessment.

As part of the application, a detailed ecology report has been submitted which has been carried out by 'The Ecology Consultancy'. This report includes a Phase 1 habitat survey and a protected and notable species assessment. This report details that the site is not subject to any statutory or non-statutory designation, but that three statutory designated sites are adjacent to the site. These include; Hastings Cliffs Special Area of Conservation, Hastings Cliffs to Pett Beach SSSI and Hastings Country Park. This report states that, due to the nature in which the scrub clearance was carried out along the existing footpath, no impact on these sites was likely to have occurred.

The report goes on to state that the site includes two areas of Ancient Semi Natural Woodland (ASNW) which provide a wider ecological role in buffering and connecting the adjacent sites and as such these areas should be considered to be of importance at Borough level. Recommendations have been made by The Ecology Consultancy to control access and prevent increased recreational pressure on habitats. *viz* the ASNW and a swap in the north-East corner of the site. These recommendations include the installation of a wooden fence along the footpath edge where it extends through the ASNW and the placement of information boards to educate users of the track of the importance and sensitivity of the ASNW. No further survey for protected species has been suggested due to the small scale of the works, however, should the proposal change at any time a further survey advice from a suitable qualified and experienced ecologist should be sought.

The report has identified however that there is a need to increase biodiversity in the wetland area through marginal planting and floating islands. It is considered that this can be level of biodiversity enhancement can be dealt with under a planning condition in consultation with the HBC Environment and Natural Resources Manager.

As stated above this application for the creation of the track way is retrospective. Although this is unfortunate and permission should have been sought by the applicant prior to commencement of development, this cannot be considered as a material planning reason to refuse its retention. It should also be acknowledged that further damage could be caused to the flora and fauna on site should the Council seek the removal of the track.

Taking the above factors in to account it is considered that, on balance, despite any previous damage caused as a result of the unauthorized works, there is an opportunity to enhance and improve the biodiversity on site. As a result of this the proposal is considered acceptable subject to conditions.

### **Other Considerations**

Concerns have been raised by the local objectors that the reservoir and track fall outside of the Caravan site license. Having discussed the site with the Council's Licensing team it is apparent that in August 2015 an application to extend the site license was submitted. However, at this time the applicant was advised that in line with Section 3 (5) of The Caravan Sites and Control of Development Act 1960, planning permission was required prior to an application to amend the site license being considered acceptable.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.



## **Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. Within six months of the date of this permission the following details shall be submitted to and approved in writing by the Local Planning Authority

- Details of the boundary treatment along the boarder of the site with the Country Park
- Details of the fence denoting the edge of the footpath hereby approved
- Details of the information boards to be installed along the footpath and around the wider site

All such boundary treatment and information boards shall be erected within a time scale agreed by the Local Planning Authority and maintained to an acceptable level thereafter.

2. The works hereby approved shall be carried out in accordance with the recommendations within the Preliminary Ecology Appraisal dated 11.05.2016 produced by The Ecology Consultancy.

3. Within six months of the date of this permission details shall be submitted to and approved in writing by the Council of the measures to enhance and improve the biodiversity within the reservoir in accordance with the recommendations within the Preliminary Ecology Appraisal produced by The Ecology Consultancy. The development shall then be carried out in accordance with the approved details.

4. At no time shall any lighting, permanent or temporary, be installed along the footpath hereby approved

5. The track way hereby approved shall be for pedestrian access only except in emergency situations or for maintenance purposes.

6. The development hereby permitted shall be carried out in accordance with the following approved plans and details: 37221000B, 37221002B and the preliminary ecology appraisal produced by The Ecology Consultancy date 11.05.2016.

### **Reasons:**

1. In the interests of the safety and protection of flora and fauna on the site.
2. To ensure the works are carried out in accordance with Best Environmental Practice.
3. To protect and enhance the biodiversity and ecological features of the site.
4. In the interests of the safety and wellbeing of bats and other wildlife on the site.

5. In the interests of the safety and protection of flora and fauna on the site.
6. For the avoidance of doubt and in the interests of proper planning.

### **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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. A separate application, to be submitted in accordance with the Advertisement Regulations, may be required for the display of the information boards, which cannot be approved as part of this permission.
4. The applicant is advised that formal planning permission would be required for any additional structures on site, including maintenance sheds, fishing shelters etc and prior to submitting an application pre-application should be sought from the Local Planning Authority to ascertain the likelihood of such a proposal being considered acceptable.

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/15/01030 including all letters and documents