

Report to: PLANNING COMMITTEE

Date of Meeting: 08 November 2023

Report from: Planning Services Manager

Application address: **High Beech Chalet Park, (Adjacent to Chalet no 98), Washington Avenue, St Leonards-on-sea, TN37 7BS**

Proposal: **New one bedroom chalet**

Application No: **HS/FA/22/00993**

Recommendation: **Grant Full Planning Permission**

Ward: ASHDOWN 2018
Conservation Area: No
Listed Building: No

Applicant: High Beech Chalet Park Ltd per D R & J M Bailey
Crossways, The Roundel Old Roar Road St
Leonards on Sea, East Sussex. TN37 7HD

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	13
Petitions of objection received:	0
People in support:	1
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 site is comprised of a parcel of green space within an existing chalet park. The site is located immediately adjacent to chalet No. 98, a semi-detached single-storey unit, and it is sited directly in front of chalet No. 109, a single-storey semi-detached unit which appears to have been extended. A communal concrete pathway runs along the northern site

boundary. A larger parcel of open green space is located south-east of the application site.

High Beech Chalet Park is located in the vicinity of Baldslow, to the east of the Sussex Wildlife Trust Nature Reserve (Marline Valley Woods SSSI), on the northern side of the borough.

Constraints

SSSI Impact Risk Zone - Natural England have been consulted

Great Crested Newt Impact Risk Zone – Red

Great Crested Newt Licensing Scheme – 250 metre pond buffer zone

Badger Foraging Area

Tree Preservation Order - No. 4

Adjacent to Nature Reserve and SSSI (Marline Valley Woods)

Surface water drainage risk - 1 in 1000 years

2. Proposed development

The development proposal constitutes an amendment and resubmission of a previously refused scheme for the creation of a new one-bedroom chalet with associated decking and a single allocated parking space. The proposed chalet will provide short-term holiday accommodation for up to two people. Similar applications for one-bedroom chalets were considered on the same site under application ref: HS/FA/20/00767 and ref: HS/FA/22/00554. Both applications were refused on drainage grounds but were considered to be acceptable in all other respects.

The current application seeks to address the previous reason for refusal through the submission of documents setting out further details of the drainage strategy.

The application is supported by the following documents:

- Existing and proposed plans and elevation drawings
- SUDs toolkit form
- Flood risk assessment and drainage strategy
- Ecology report
- Conceptual drainage plan
- Topographical survey
- Impermeable area plans

Relevant planning history

HS/FA/94/00179 Variation of occupancy period of 101 chalets to allow opening season from 1st March -15th January – Approved on 09/06/1994

HS/FA/99/00484 Variation of occupancy period to allow permanent occupation – Refused/Dismissed on appeal on 22/09/1999

HS/FA/20/00767 New One Bedroom Chalet and parking space - Refused on 16/02/2022

HS/FA/22/00554 New one bedroom chalet with decking – Refused on 22/09/2022

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy SC7 - Flood Risk
Policy E4 - Tourism and Visitors
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN5 - Local Nature Reserves (LNR)

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 DM6 – Pollution and Hazards
Policy HN8 – Biodiversity and Green Space
Policy CC1 - Caravan, Camping and Chalet sites

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP6 - Enhancing the Historic Environment
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide
Department for Levelling Up, Housing and Communities – Technical housing standards
–nationally
described space standards (March 2015)
East Sussex County Council Minor Application Guidance for 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 108 b) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

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 180 states that when determining planning applications, local planning authorities should apply the following principles.

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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.

3. Consultation comments

ESCC Flood Risk Management Team – Initial objection raised to the proposal on the grounds of insufficient information. However, the drainage consultant acting for the applicant has since consulted with the SUDs team, who have withdrawn their initial objection and provided revised consultee comments as follows:

'The LLFA and PCWLMB have reviewed the application and the drainage strategy ref: 22-0576. We are satisfied that flood risk is managed appropriately for the size of the site. Two of our previous decision notices regarding the site conflicted each other, this was due to an interpretation of the information provided by Southern Water but has now been resolved.'

Ecology Officer - No objection

Environmental Health - No objection, subject to condition 8 to restrict the hours of work during the construction phase and subject to an informative relating to drainage.

Arboricultural Officer - No objection - The information and proposals provided are not considered to have a significant adverse impact on existing trees on site.

Licensing Team – No objection. The park does not have a site licence under the Caravan Legislation so the licensing team have no adverse comments.

Climate Change Officer – Comments received, neither supporting nor objecting to the application. The applicant is encouraged to consider Low or Zero Carbon heat and electricity generation, LED lighting, significant insulation and the possibility for biodiversity net gain on the site.

Southern Water - No objection: *'Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity so a long-term maintenance and management plan will be required. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.'*

Waste and Street Scene Services - No objection

Nature Space – No objection, subject to informative 2 relating to actions required if Great

Crested Newts are found at any point during the construction phase of the development.

Natural England – No objection

4. Representations

In respect of this application, site notices were displayed on the application site and at the entrance to the chalet park.

2 letters of support have been received from one property on the grounds that the development will provide low-cost affordable housing in the area.

22 letters of objection have been received from 13 different properties raising the following concerns:

- Surface water drainage issues
- Impact on wildlife
- Loss of light
- Loss of communal recreational land/breach of existing restrictive covenant
- Foul drainage issues
- Impact on nature reserve and SSSI due to drainage strategy
- Loss of privacy
- Overdevelopment
- Concerns as to the impact on access for emergency services

The Sussex Wildlife Trust have also provided informal comments concerning the fact that any new development should avoid any hydrological/pollution impacts to the SSSI and if no new information has been submitted by the applicant which would address this concern and ensure there is not this hydrological link with the SSSI, SWT retain the position that the application should be refused.

5. Determining issues

The main considerations are the principle of development, the 5-year housing land supply, the potential impact on the existing chalet and caravan park, permanent residential use, the design, site density, layout, and impact on character and appearance of the area, the potential impact on neighbouring amenity, the potential impact on trees, ecology matters and impact on Marline Valley Woods SSSI and nature reserve, highway safety and parking, refuse and cycle storage, flooding and drainage matters, air quality and emissions, and lighting.

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, paragraph 4.3 of the Hastings Local Plan – Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The application site lies within an existing chalet park. As such, it is considered to be in a sustainable location with reasonable access to public transport, shops, services and facilities. As a consequence, the development is considered to be acceptable in principle subject to the proposal meeting the requirements of the other Local Plan policies, as set out below.

b) 5 Year Housing Land Supply

The existing chalets within the chalet park are subject to a 10-month occupancy restriction and none of the existing chalets have planning permission for permanent residential

occupancy.

Although the application form indicates that the proposed development will result in the creation of a single residential unit for key workers and there is no mention of a seasonal occupancy restriction on the form, it has since been clarified by the applicant that the information on the application form was submitted in error and that the proposed chalet is intended to be used for seasonal holiday lets. As a consequence, the potential impact of the development on the 5-year housing land supply will not be relevant to this application.

c) Impact on the existing chalet and caravan park

Policy E4 of the Hastings Planning Strategy 2014 states that the Council will work to promote and secure sustainable tourism development in the town. As such, a more diverse and high-quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy. The policy states that an extension to existing visitor accommodation will also be supported, subject to compliance with the existing design and location policy requirements.

Policy CC1 of the Hastings Development Management Plan 2015 relates to the management of caravan, camping and chalet sites in the borough. The policy states that proposals for the intensification (increase in pitch number within the existing permitted area), the reorganisation of uses/layout (within the existing site) and the enhancement of site facilities/provision of new facilities in connection with existing sites for tents, touring caravans, static caravans and chalets will be permitted provided the proposal: a) would not, either on its own or cumulatively with the remainder of the site or in combination with other established or proposed sites in the vicinity, harm the landscape character or rural amenity of the countryside and resident population; b) is conveniently and well-located in relation to an adequate road system which can accommodate the traffic generated; c) where possible, has convenient access to frequent public transport services; d) includes landscape improvements relevant to the development and a scheme for their maintenance; e) would not significantly reduce the range and choice of available accommodation as a result of a loss of tent and/or touring caravan pitches.

As stated above, in this case, it is proposed that an irregular shaped parcel of recreational land within the confines of the existing High Beech Chalet Park should be changed to a new pitch to accommodate a new one-bedroom chalet. The proposed new chalet will be sited immediately adjacent to chalet No. 98, and it will be sited directly in front of chalet No. 109. In line with the surrounding chalets, the new proposed unit will be single-storey and have a shallow pitched roof and a section of decking which will extend along part of the front and side elevation of the new chalet.

With regards to the use of the site to provide a new chalet, although it is acknowledged that the existing site is comprised of open green space, owing to the scale of the development and the location of the site in relation to existing green space, the impact of the proposed development is such that it is unlikely to have a significant adverse impact upon the landscape character or rural amenity of the countryside and resident population. Although the development proposal will result in a degree of harm to the recreational space within the site through the loss of a section of open land, the existing chalet site already benefits from larger sections of open green space, including a larger parcel of land immediately in front of the application site and the new proposed chalet follows the general pattern of development in the park by aligning with the existing chalet units. The loss of the green space will therefore not significantly impact the verdant quality of the park or the access of nearby residents to open land. With regards to the site accessibility, the application site is to be served by an allocated parking space. The parking and the chalet site are considered to be the same distance to the existing roadways within the park and to public transport services as the other nearby chalets so the access for future users to public transportation is likely to be adequate. The landscaping improvements associated with the development will include

the introduction of new decking and the further details of any proposed hard and soft landscaping works are requested via conditions 5 and 6 to ensure that the appearance of the site is not adversely impacted. The introduction of a new chalet on the site will also not impact the number of tent and/or touring caravan pitches.

At point 5.36 of the Development Management Plan, it states that although the Local Plan does not include a specific policy criterion requiring the use of caravan, camping and chalets sites on a seasonal basis only, assurance that the premises shall not be occupied as a person's sole or main place of residence will be dealt with by condition of the planning permission.

Although the application form states that the chalet is proposed to be used by key workers and that the development will create a new unit of residential accommodation, the applicant has confirmed that the chalet is proposed on the basis of seasonal occupancy and that it will be used for holiday lets, in line with the rest of the chalets within the park. Seasonal occupancy will be secured via condition, in line with the information received.

In light of the above, the introduction of a new chalet on the site is considered to meet the requirements of policy CC1 of the Hastings Development Management Plan 2015.

d) Design, Site Density, Layout and impact on character and appearance of area

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.

The application site will provide a similar sized plot to those afforded to the surrounding chalets. The proposed chalet will respect the common front building line of the surrounding units and follow the common spacing pattern between each of the units. Although the proposed new chalet will measure 13.5 metres x 5.9 metres in size, which exceeds the size of some of those on surrounding plots including No. 98, the chalet will not be dissimilar in scale to the extended chalet to the rear of the application site (No.109). Although the siting of the proposed chalet could be improved to be sited less close to the communal pathways, on balance the site layout is acceptable and will not appear visually obtrusive in its context.

With regards to the design and appearance of the proposed chalet, the appearance and form of the chalet is broadly in keeping with the surrounding units. The height of the unit is limited by the shallow roof pitch and the windows and doors are proportionate and evenly aligned. The application form confirms that the proposed chalet is to be constructed using materials such as Marley cedar weatherboard cladding to the walls, bitumen felt to the roof and uPVC fenestration. The materials are in keeping with those used to construct the surrounding units. The proposed front decking area should not appear excessive and it will provide future occupants with a modest outdoor recreational area. The allocated parking space, which is accessed via the communal pedestrian pathways, is within a communal parking area and is suitably located.

The scale, form and appearance of the proposed chalet are such that the character and appearance of the chalet park should not be adversely impacted. On this basis the proposal is in accordance with the aims and objectives of policy DM1.

e) 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.

The policy states that planning permission will be granted for a development where:

- a) the scale, form, height, mass and density of any buildings avoids any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight);
- b) there is adequate space for the storage of waste and the means for its removal;
- c) there is a means of landscaping that contributes to crime prevention;
- d) considerate design solutions for the spaces between and around buildings are shown;
- e) arrangements are in place for the future maintenance of any public area;
- f) dwellings are designed to allow residents to live comfortably and conveniently, with sufficient internal space;
- g) appropriate levels of private external space are included, especially for larger homes designed for family use. In respect of proposed family dwellings, the Council would expect to see the provision of private garden space of at least 10 metres in length;
- h) it can be adequately demonstrated that there is no safety risk to the public and that the development is adequately protected from any existing facilities that may affect amenity
- i) outdoor advertisements and signs do not detrimentally affect the appearance of any buildings and/or the surrounding area and do not result in a danger to the public highway.

The potential impact of the scheme on general amenity is assessed in two parts below:

i) Impact on the residential amenity of future occupants

In 2015, the government introduced minimum space requirements relating to the gross internal floor area of new dwellings. The minimum space requirements are set according to the level of occupancy. Minimum floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height are set out in the nationally described space requirements.

As the application proposal relates to a seasonal holiday chalet, the development is not considered to be a dwelling and the minimum space standards are not strictly applicable to this type of development. However, they provide a useful guide as to the quality of amenity which will be provided to future occupants.

The nationally described space standards dictate that a single-storey one bedroom dwelling must measure at least 50sqm in size. The proposed floorplans indicate that the new chalet will exceed minimum space standards. In addition, the double bedroom will meet minimum size requirements.

On this basis, the size of the chalet should provide an adequate standard of amenity for future occupants internally. Although the chalet itself benefits from no private amenity space and is located within 2 metres of chalet No 109 and within 5 metres of chalet No 98, the spacing arrangement is common within the chalet park, and it is considered to be acceptable in the context of temporary holiday accommodation facilities.

ii) Impact on neighbouring residential amenity

Subsection (a) of Policy DM3 of the Hastings Development Management Plan 2015 states that planning permission shall be granted where the scale, form, height, mass and density of any new proposed development avoids any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

The proposed new chalet is to be located within approximately 2 metres of chalet No. 109. It is also to be located within approximately 5 metres of chalet No. 98 and to be located

approximately 8.1 and 8.4 metres from chalets No. 36 and 44 respectively.

Chalet No.109:

With regards to the potential impact upon the privacy of chalet No. 109, the rear windows to the new chalet will directly overlook the veranda and the front elevation windows of chalet No. 109. However, the standard of amenity for holiday and seasonal letting accommodation is typically lower than that which would be expected for permanent residential accommodation. The windows along the front elevation of chalet No.109 are high level and the extent of mutual overlooking it is considered to be in accordance with that of other chalets in the vicinity due to the common spacing pattern between neighbouring chalets. With regards to the potential for overshadowing, in view of the gap between the two chalets and the single-storey nature of the units, an unreasonable degree of overshadowing is unlikely to occur. With regards to the potential impact of the new chalet upon neighbouring outlook, it is acknowledged that the new chalet will negatively impact the views from the veranda and front windows of chalet No. 109. However, given that the spacing relationship between the two chalets will be similar to the relationship between the surrounding units, the relationship is considered to be no more harmful than that which exists throughout the chalet park and on this basis, it is acceptable.

Chalet No. 98

Chalet No. 98 is located to the side of the proposed new chalet. With regards to overlooking concerns, I note that some concerns have been raised in the representations received relating to the new door to the proposed kitchen/living room, which will overlook the side window to the neighbouring chalet. However, due to the nature of the use, the extent of overlooking is not considered to be overly harmful as it is in keeping with the existing relationship between the surrounding chalet units. I consider that due to the spacing pattern between the existing chalet and the proposed chalet, significant overshadowing is unlikely to occur. With regards to the potential impact upon neighbouring outlook, although the new proposed chalet will be visible from the side window of the existing chalet, neighbouring outlook will not be harmfully obstructed.

Chalets No. 36 and 44

Chalets 36 and 44 are sited between 8.1-8.4 metres away from the site of the proposed new chalet and they are separated from the application site by an existing pedestrian pathway. With regards to the privacy concerns as expressed in the representations, although it is acknowledged that the front windows of the existing chalets face directly on to the application site, any views towards the existing chalet from the front windows of the new chalet will be at a sufficient spacing distance for holiday accommodation to avoid blocking all outlook. Although there is a degree of overlooking, the relationship between the three chalets is not dissimilar to the relationship which already exists on the site between existing chalet units. Owing to the distance between the existing and proposed chalets, it is considered unlikely that chalets No. 36 and 44 will be adversely impacted from a light, outlook or privacy perspective.

In light of the above, the proposal is considered to be acceptable from a neighbouring amenity perspective.

f) Trees

The application site is comprised of open green space and it does not contain any trees. There are, however, several trees located on the triangular area of open green space,

adjacent to the proposed parking area. I have consulted with the tree officer, who has confirmed that the application is acceptable and that it will not adversely impact the health of any of the trees within the chalet park.

g) Ecology

i) Impact on protected species

Policy EN3 of the Hastings Planning Strategy 2014 advises that development should seek to minimise damage to wildlife and habitats and that where the loss of existing wildlife habitats or geological features is unavoidable, the loss should be kept to a minimum and compensation should be provided through the creation of replacement habitats or other appropriate measures. Such measures should be achieved through the use of planning conditions or Section 106 agreements where appropriate.

Policy HN8 of the Hastings Development Management Plan 2015 and the National Planning Policy Framework (NPPF) requires ecological assessments to accompany a planning application where it is necessary to assess the impact of proposed developments on habitats, wildlife, landscape and the Green Network. The assessment is required to provide sufficient information to meet the Council's requirements and detailing the nature conservation resource of the area affected by the application, the potential impact of the development proposed, and any suggested measures to protect existing habitats or species and/or measures to mitigate and/or compensate for any harmful impacts on them.

The site is comprised of a grassed area which appears to be regularly maintained.

The application is supported by a preliminary ecological appraisal prepared by The Mayhew Consultancy. The report concludes that, subject to mitigation measures set out in the report, there would be no harm to protected species or habitats.

I have consulted with the Ecology Officer, who has raised no objections to the application. Whilst the report dates from January 2021, in view of the nature of the site and the fact that it is regularly maintained, the ecological impacts of the application are unlikely to have significantly changed.

On this basis, the potential impact of the proposal on ecology is acceptable.

ii) Impact on Marline Valley Nature Reserve and SSSI

Paragraph 108 b) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Policy EN5 of the Hastings Development Management Plan 2015 relates to the protection of areas designated or proposed as Local Nature Reserves (LNR). The policy states that proposals for development within Local Nature Reserves, or likely to have an adverse effect on them directly or indirectly, will only be permitted if:

(a) the need for development outweighs the importance of the site for nature conservation; and

(b) any harm to the nature conservation interest of the site is clearly and demonstrably kept to a minimum.

Where development is permitted, the Council may attach planning conditions and/or may

seek to enter into legal agreement(s) to ensure the continuing protection and enhancement of the nature conservation interest and to provide compensatory measures and/or site management.

The application site is located adjacent to the Marline Valley Nature Reserve and Marline Valley Woods SSSI. The development proposal is unlikely to result in adverse harm to the nature reserve or SSSI in a direct sense, owing to the scale of the development and the extent to which it is contained within the existing chalet park.

However, concerns have been raised by the Sussex Wildlife Trust in relation to the drainage proposals and their potential to drain contaminated surface water into the SSSI. These concerns were also raised when a previous application for a similar form of development on the site was considered under application ref: HS/FA/22/00554.

The current drainage proposal results in surface water discharging into a ditch via an existing french drain in a similar manner to the previously refused applications, though the discharge rate has been reduced to acceptable levels via the installation of a geocellular attenuation tank. The recent consultation response from the ESCC Flood Risk Management team indicates that the drainage strategy is acceptable. The drainage strategy report which has been provided by the applicant refers to the low risk of contaminants and proposes that any sediment from the water could be trapped when the water is discharged. Condition 7 requires the development be carried out in accordance with this Drainage Strategy.

As the Sussex Wildlife Trust is not a statutory consultee, I have consulted with Natural England regarding the acceptability of the drainage strategy and its potential impact upon the SSSI. Natural England have raised no objection to the proposal and confirmed that the proposed development will not have significant adverse impacts on the SSSI.

Whilst the concerns of the Sussex Wildlife Trust are noted, in view of the response received from Natural England, it is considered that the potential impact of the proposal upon the SSSI is unlikely to be significance and the proposal is unlikely to have an adverse effect on its ecological value. The proposal is therefore in line with the requirements of paragraph 108 b) of the NPPF.

iii) Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts. The ESCC Newts Officer has raised no objections to the development, subject to an informative reminding the applicant of their obligations should they discover any Great Crested Newts during the construction of the chalet. An informative of this nature will be attached to any future consent.

h) Highway safety/parking

The East Sussex County Council guidance in respect of non-residential development indicates that within holiday camps one parking space should be provided per bedroom, plus one parking space should be created per resident staff member or one parking space should be provided for every two non-resident staff members. In this case, the application proposal makes provision for one allocated parking space within a communal parking area. Due to the scale of the development, parking for associated staff will not be required. In view of the scale of the development, the availability of parking in the surrounding roads around the park and in view of the fact that the chalet has one bedroom and will be subject to a seasonal occupancy restriction, the parking provision is considered to be acceptable and it is unlikely to have a 'severe' impact upon the highway, as required by paragraph 111 of the NPPF. On this basis, the proposal is acceptable from a parking perspective. Condition no.10 requires the retention of the parking space shown on the approved site plan (Sheet B) dated 22nd July 2023 in connection with the chalet hereby proposed.

In respect of the comments received in relation to access for emergency vehicles, the roadways within the park are already established and provide adequate access for emergency service vehicles. Whilst several representations raise concerns in relation to access for emergency vehicles, one of the comments confirms that the lawn areas are too soft to accommodate vehicle access. From a planning assessment perspective, the lawned recreational area cannot be regarded and assessed as a formal access for emergency services as no vehicular access road crosses this part of the site. The communal pedestrian access will be maintained to the surrounding chalets and this will not be obstructed by the addition of a new chalet. On this basis, it is considered that the established accesses to other chalets, which are designed to be accessed on foot, are not obstructed by the proposal.

i) Refuse storage

No specific details have been provided in relation to refuse storage. However, the refuse storage and disposal arrangements will be secured via condition no 4. I have consulted with the refuse officer, who has raised no objection to the development proposal from a refuse perspective.

j) Flooding and drainage matters

Policy SC7 of the Hastings Planning Strategy 2014 relates to flood risk. The policy states that all development proposals will need to be of flood resistant or resilient design, ensure the most vulnerable land uses are directed away from the areas at highest flood risk on a site where there is more than one flood zone, and manage surface water run-off appropriately. The policy also states that the adaptation of all developments to reduce the risk of flooding will be sought through a variety of suitable measures, including the use of Sustainable Drainage Systems and that proposals for the long-term management of these should be submitted to the Council at or before the planning application stage.

Policy DM6 of the Hastings Development Management Plan 2015 states that in order to protect human health and water quality planning permission will only be granted for development providing d) appropriate pollution control measures are incorporated where necessary to protect the quality of both ground and surface waters;

The application site is located within flood zone one. However, the site may be subject to surface water flood risk.

Foul Drainage

The drainage plan which has been provided indicates that foul waste will be discharged to an existing foul sewer. A new connection to the sewer will require an application to Southern Water. I have consulted with Southern Water, who have provided some information regarding making an application in this respect. This has been added as an informative (informative no. 5).

Surface Water Drainage

When application ref: HS/FA/20/00767 for a similarly designed chalet scheme was considered on the site, the application was refused on the following grounds:

'Insufficient information has been submitted to demonstrate that the proposed method to manage surface water runoff is feasible at the site, and as a result, formal assessment of the proposal by the Lead Flood Authority has not been possible. The proposal fails to comply with Policy DM6 of the Hastings Development Management Plan 2015 and Policy SC7 of the Hastings Planning Strategy 2014.'

A later application for similar scheme was also refused under application ref:

HS/FA/22/00554 on the basis that a lack of technical evidence had been provided by the applicant to demonstrate that their surface water drainage strategy was feasible or workable, and that it would not result in localised surface water flooding, in the exacerbation of possible ground instability issues, in undue harm to the living conditions of existing and future residents and in undue harm to the SSSI.

On the basis of the previous refusals, the applicant has provided a detailed drainage report and flood risk assessment produced by BdR Civil and Structural Engineering Consultants.

The current drainage proposal seeks to discharge surface water into a geocellular storage tank below ground in order to ensure appropriate greenfield runoff rates. The water will then discharge at an appropriate rate (0.1 l/s) into an existing french drain. The applicant's flood risk assessment and drainage strategy contains details of pre and post development surface water runoff rates and details of the infiltration and attenuation methods which have been considered.

I have consulted with the ESCC flood risk management team, who initially objected to the proposal on the basis that insufficient information has been provided. However, they have since liaised with the drainage consultant acting for the applicant and the applicant has carried out a camera survey of the French drain. Southern Water have raised no concerns in relation to the findings of the survey. ESCC flood risk management team have also since withdrawn their initial objection. Their most recent comments confirm that there is no objection to the drainage strategy proposed on the basis that they are satisfied that it will be possible to manage additional surface water runoff volumes arising from the increase in impermeable areas and that the proposed development will not result in an increase in flood risk elsewhere. Their comments confirm that the applicant's proposed drainage strategy (to discharge surface water runoff from the chalet to an existing private surface water sewer that ultimately discharges to an open drainage ditch) will be adequate due to the proposed limit of the runoff rates to match the existing greenfield runoff rates.

The two previous applications for similar application proposals were refused on the basis of a lack of information relating to surface water drainage. However, the previous issues raised by ESCC flood risk management team are considered to have been addressed in the current submission. The proposed recommendation is also subject to a condition which requires the development to be carried out in accordance with details set out in the Drainage Plan (condition 7).

In light of the above, the proposal is considered to meet the requirements of policy SC7 of the Hastings Planning Strategy 2014 and policy DM6 of the Hastings Development Management Plan 2015.

k) 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.

l) Lighting -

No external lighting is proposed and neighbouring amenities are not harmfully affected.

6. Conclusion

The application proposal for the creation of a new one-bedroom chalet on the site meets the requirements of the local plan in respect of its design, impact on neighbouring amenity and its potential impact upon the character of the landscape and wider area. Although two very similar applications were previously refused on drainage grounds, the surface water drainage strategy as proposed in the current submission has addressed the previous concerns raised

by the SUDs team. Natural England have also confirmed that the drainage proposal is unlikely to adversely impact the SSSI on the basis of the information provided. The proposal is therefore in accordance with the development plan for the borough.

The 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:

Topographical Survey, 1837 [23] -2, 1837 [23] -1A, 1847 [25] - Site Plan Rev A, Site Plan @scale of 1:500 (Sheet B) dated 22nd July 2023, 22-0576 C10111 Rev A, 22-0601 C10521 Rev A, 22-0601 C10522 Rev A
3. The materials to be used in the construction of the external surfaces of the chalet shall match those detailed on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
4. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and it shall thereafter be retained on the site for that purpose.
5. The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all areas of hardstanding or decking, and all planting on the land including details of those plants to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

6. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. The foul and surface water drainage systems shall be fully installed and fully operational prior to occupation and the systems shall be installed in accordance with details contained in drainage drawing ref: 22-0576 C10111 Rev A and in accordance with the recommendations set out in the flood risk assessment and drainage strategy report prepared by BdR Civil and Structural Engineering Consultants (1847(25)), as already submitted to and approved by the Local Planning Authority in consultation with the ESCC Lead Local Flood Authority and Southern Water as part of the current application submission. The approved drainage system shall be maintained in good condition throughout the lifetime of the development.
8. 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.
9. The chalet shall not be occupied between 16th January and 29th February in any given year and it shall not be used to provide permanent residential accommodation at any time unless otherwise agreed in writing by the Local Planning Authority.
10. The car parking space shown on the approved plan shall be made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for that use and shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing by 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. To ensure a satisfactory visual appearance in the interest of the amenities of the area.
4. In order to secure a well planned development.

5. In the interests of the visual amenity.
6. In the interests of the visual amenity.
7. To prevent increased risk of flooding.
8. To safeguard the amenity of adjoining residents.
9. In the interest of ensuring a satisfactory standard of accommodation for future occupants due to the inadequate facilities and amenities available on site for permanent residents.
10. To ensure a satisfactory form of development and to reduce the potential for parking congestion within the site.

Notes to the Applicant

1. 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.
2. 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

3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Hastings Borough Council is working in partnership with Southern Water to identify foul water drains discharging into the surface water sewer system, often referred to as a misconnection that can pollute local watercourses and impact on bathing water quality.

The Local Authority has powers to rectify misconnected drains under section

59 of the Building Act 1984. If your development includes new or changes to existing drainage connections, you must ensure that it discharges to the correct sewer system. For more advice on misconnections please visit:

<http://www.connectright.org.uk/water-pollution>

5. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read their New Connections Charging Arrangements documents which are available on their website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

6. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

7. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

8. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

9. The applicant is advised to contact East Sussex Fire and Rescue Service in respect of any improvements required to support the access and egress of fire engines.
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Officer to Contact

Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/22/00993 including all letters and documents