

AGENDA ITEM NO: **5 (a)**

Report to: PLANNING COMMITTEE

Date: 08 February 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Rocklands Private Caravan Park,
Rocklands Lane, Hastings, TN35 5DY**

Proposal: **Discharge of condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028)**

Application No: **HS/CD/16/00655**

Recommendation: **Discharge of Condition 6**

Ward: OLD HASTINGS

File No: RO45100T

Applicant: Mr & Mrs Guilliard per CLM Planning Limited 14 Magpie Close Bexhill on Sea East Sussex TN39 4EU

Interest: Site Owner

Existing Use: Caravan Park

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 3

Petitions Received: 0

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

THE APPLICATION ONLY CONCERNS THE REMAINING PART OF CONDITION 6

Site and Surrounding Area

The application site is wholly within the High Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA), an area susceptible to groundwater flooding and a Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ).

The following designations affect smaller areas of the site:

- Scheduled Ancient Monument (SAM) designation
- Badger setts
- Conservation area buffer zone (20m)

The application is also bordered by the following:

- Old Town Conservation area
- Hastings Country Park
- Hastings Country Park Local Nature Reserve
- Hastings Country Park Local Wildlife Site

Land both within Hastings Country Park (owned by Hastings Borough Council) and the caravan park (owned by the applicants) has been subject to a land slip, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff.

The caravan park is screened in the most part from the surrounding Country Park by the protected woodland on the north eastern and southwestern boundaries. The caravan park is accessed by a narrow lane leading off Barley Lane to the north.

Proposed development

This application as a whole seeks to discharge conditions 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028). The appeal related to the holiday let building which was not built in accordance with planning permission HS/FA/12/00952, granted on 13 February 2013. The appeal succeeded in part, in that an amended scheme 'scheme 3A', for the holiday let building was granted planning permission, subject to conditions. The conditions attached to that appeal decision therefore, are those to which this application relates.

Condition 6 (archaeological monitoring) was previously partly discharged at Planning Committee on 16 November 2016 (in relation to the Written Scheme of Investigation), and condition 8 (external colour scheme) was discharged through delegated authority on 8 September 2016. This report therefore considers the remaining part of condition 6 (archaeological monitoring) only. Both outstanding condition 4 (planting scheme and soft landscaping) and condition 7 (foul and surface water drainage scheme) will be considered at a future Planning Committee when current issues are resolved.

Condition 6 (archaeological monitoring) of appeal decision APP/B1415/C/15/3029007 states:

No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

The application in so far as it relates to condition 6 is supported by:

- Condition 6: Archaeological Watching Brief Report (Archaeology South East, December 2016)

Relevant Planning History

EN/15/00028	Without planning permission, the construction of a two storey building ENFORCEMENT NOTICE UPHELD AND AMENDED, PLANNING PERMISSION GRANTED FOR SCHEME '3A' 7 June 2016
HS/FA/14/01306	Retention of holiday let building (with reduction to balcony area to the dimensions permitted by HS/FA/12/00952) and access ramp. Relocation of solar panels to roof of holiday let building. REFUSED 4 March 2015
HS/FA/14/00406	Variation of condition 2 (approved plans) of planning permission HS/FA/12/00952 - Minor amendment showing change of ground floor plan, additional & altered window positions & extended balcony (Retrospective) REFUSED 18 June 2014
HS/CD/13/00792	Discharge of conditions 4 (colour of render) & 5 (screening) of application HS/FA/12/00952 GRANTED 21 January 2014
HS/FA/12/00952	Proposed demolition of current holiday let and replacement of a new holiday let GRANTED 13 February 2013
HS/FA/12/00471	Proposed demolition of current holiday let and replacement of a new holiday let REFUSED 19 July 2012
HS/FA/11/00043	Removal of condition 2 from Planning Permission HS/FA/10/00492 REFUSED 16 March 2011
HS/FA/10/00492	Roof Alterations to form first floor accommodation GRANTED 5 October 2010
HS/FA/08/00869	Replacement Holiday Dwelling REFUSED 16 March 2009
HS/FA/89/01067	Erection of extensions to existing bungalow REFUSED 4 April 1991
HS/FA/78/00708	Siting of 10 additional caravans GRANTED 4 April 1979

National and Local Policies

In so far as the discharge of condition 6 relates, the following national and local policies apply:

Hastings Local Plan – Planning Strategy (2014)

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering Planning Applications

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

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 128 states:

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 asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Consultation comments

In respect of the discharge of condition 6 (archaeological monitoring) the relevant consultation comments are:

East Sussex County Council (County Archaeologist) - no objection

Satisfied with the content of the watching brief report and content that the archaeological work has been carried out to the specified standard

Historic England - no objection

Consider the draft archaeological report to be acceptable and once work completed, the condition can be discharged.

Representations

25 letters of objection have been received in relation to the application as a whole all from 3 separate people/organisations raising the following concerns:

- Quality and accuracy of submitted plans - argue that they are not correct and the wrong plan numbers are displayed; imply that building regulations have been approved; submitted plans contain amendments that have not been given permission.
- Planting scheme - inadequate scheme that doesn't effectively replace the lost screening; replanting necessary across the site and in land slip area; time deadline of 3 months has been breached.
- HBC consultees that have not commented

The Friends of Hastings Country Park Nature Reserve have objected to all conditions, but have not specified in what regard in respect of archaeological monitoring

Determining Issues

Principle

The principle of the holiday let building has already been approved at appeal and is not the subject of discussion here. This report relates to the discharge of the outstanding part of condition 6 only, relating to the final archaeological watching brief report. The main issue to be considered, therefore, is whether the written record of archaeological works is adequate, and has been submitted within the required timescales.

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

Archaeological investigation

The written scheme of investigation, which included the proposed methodology for archaeological works was approved by Planning Committee in November 2016. The watching brief report has been submitted within 3 months of this work being undertaken, in accordance with the condition imposed by the Inspector in appeal decision APP/B1415/C/15/3029007.

The general aims of the archaeological monitoring were to identify, excavate and record any buried archaeological deposits or features in the area of development and to determine whether there are any intact archaeology deposits within the same site. The submitted Archaeological Watching Brief Report demonstrated that the terrace on which the new building is located is of late 19th Century date and unrelated to the Iron Age promontory fort. No finds were recovered and no archaeological samples were taken. All work was undertaken in accordance with the standards and guidance produced by Chartered Institute for Archaeologists (CfA 2014) and East Sussex County Council.

The County Archaeologist and Historic England are satisfied with the content of the submitted report and consider that the archaeological work has been carried out to the specified standard. It has also been submitted within the required timescale. It is therefore considered that the remaining part of condition 6 can be discharged.

Letters of objection

No letters of objection have been received with specific reference to the submitted watching brief report and, as such, have not been considered further here.

Conclusion

The submitted Archaeological Watching Brief Report has been demonstrated as being sufficient to comply with part of condition 6 of appeal reference APP/B1415/C/15/3029007. It is therefore recommended that these details be approved.

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

Recommendation

It is recommended that the following condition be fully discharged:

Condition 6 of appeal decision APP/B1415/C/15/3029007:

"No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for the submission of the report is first agreed in writing with the Local Planning Authority"

In accordance with the Written Scheme of Investigation for Archaeological Monitoring (Archaeology South-East, August 2016) and the subsequent Archaeological Watching Brief Report (Archaeology South-East, December 2016).

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/CD/16/00655 including all letters and documents