

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 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 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring) and 7 (foul and surface water drainage scheme)

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: 52

Petitions Received: 1

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

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 south-western boundaries. The caravan park is accessed by a narrow lane leading off Barley Lane to the north.

Proposed development

Background

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 8 (external colour scheme) was discharged through delegated authority on 8 September 2016 and condition 6 (archaeological monitoring) was partly discharged at Planning Committee on 16 November 2016 in relation to the Written Scheme of Investigation. On 8 February 2017, Planning Committee resolved to defer part 2 of condition 6 (archaeological monitoring) in relation to the written record of archaeological works undertaken, to take account of any potential changes to the drainage layout, and the impact this could have on archaeology. The resolution stated:

"Condition 6, part 2 of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028) to be deferred until the next Planning Committee (March 2017) for further consultation with Archaeology Consultant and Borough Solicitors as to the implications of the validity of the planning application"

It was not possible to bring Part 2 of Condition 6 back to subsequent Planning Committees due to the outstanding drainage considerations and the potential impact this could have on archaeology. This has however, now been resolved and the Council is now in a position to bring all outstanding conditions to Planning Committee, to be considered at the same time.

Conditions recommended for discharge

Condition 4 (details of the planting scheme and soft landscaping), which states:

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details shall include indications of all existing trees and hedgerows on the land including details of those 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

Reason: In the interest of visual amenity.

Part 2 of condition 6 (archaeological monitoring) - part 2 is highlighted in bold text below:

*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.***

Reason: To safeguard the archaeological and historical interests of the site.

Condition 7 (foul and surface water drainage scheme), which states:

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interest of environmental health.

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

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy SC7 - Flood Risk

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 61 states:

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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 outstanding conditions to be discharged, the relevant consultation comments are:

High Weald AONB Management Unit - No objection

Originally objected to the planting of holm oak as set out in the original planting specification (July 2016). This has now been amended to English Oak which is less invasive, to the satisfaction of the AONB Unit. However, another objection was raised that the holly planted on the southern boundary does not provide enough screening for the building and has a negative impact on the landscape. Following inclusion of additional English Oak on this boundary, the Planning Advisor deferred to the expertise of the Borough Arboriculturalist in terms of the level of screening it will provide over time, but confirmed that English Oaks were appropriate in this location.

Hastings Borough Council (Borough Arboriculturalist) - no objection

Requested some additional planting based on the original planting scheme. Objection removed following the submission of a revised planting scheme as it is considered that the new planting, taken together with the existing holly will establish over time, to be sufficiently robust to recommend discharge of the condition.

Southern Water - no objection

Initially submitted a holding objection as Southern Water do not agree to any new connection of surface water to the public sewer. Removed this objection following a meeting with the applicant and agent and the submission of a revised drainage plan, together with a report on surface water disposal option, which set out options for alternatives, surface water flow rates, and evidence to show that infiltration/soakaways are not feasible in this location.

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.

East Sussex County Council (Flood Risk Management) - no objection

Initially commented that given the small increase in impermeable area, it was considered that the proposals to manage surface water drainage were acceptable. Provided further clarification following the submission of a revised drainage scheme that, given Southern Water had removed their objection to the surface water connecting to the existing on-site drainage network, the information was sufficient to discharge condition 7.

Historic England - no objection

Consider the draft archaeological report to be acceptable and once work completed, the condition can be discharged. In terms of the planting scheme, raised concerns at the outset that the planting of 3 trees would not provide effective screening, but later removed that objection based on the revised proposals.

Building Control - comments only

Adequacy of the revised drainage system will need to be assessed as a Building Regulations application and await Southern Water agreement. Building Control have no record of external drainage layout being inspected or approved.

Natural England - no objection

Do not consider there to be any additional effects on designated European or International sites.

Hastings Borough Council (Head of Environment) - no objection

Note that drainage issues will be dealt with by Southern Water and East Sussex County Council.

Hastings Borough Council (Estates) - no objection

Note that if the applicant wishes to progress planting on Hastings Borough Council land then they will need to contact Estates for formal agreement to enter the land and carry out the works.

The following consultees had no relevant comments to make:

- Hastings Borough Council (Corporate Services)
- Hastings Borough Council (Finance)
- Hastings Borough Council (Environmental Health - commercial)
- Hastings Borough Council (Environmental Health - pollution)
- Hastings Borough Council (Head of Housing)
- Hastings Borough Council (Head of Leisure)
- Hastings Borough Council (Marketing and Communications)
- Environment Agency
- Hastings Borough Council (Planning Policy)
- Hastings Borough Council (Environment and Natural Resources Management)

Representations

52 letters of objection have been received in relation to the application as a whole, from 4 separate people/organisations raising the following concerns:

General

- Objections to procedures undertaken by officers
- HBC consultees that have not commented

- 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

- The initial proposal for 3 Oak Whips entirely inadequate
- Lack of enough planting overall
- Planting scheme will not result in an immediate impact on the appearance of the building
- Non-native trees originally proposed
- Scheme not been considered within the timescale specified by the Inspector in the appeal decision
- No planting on western boundary
- Planting scheme lacks detail
- No evidence holly whips exist

Drainage

- Lack of consultation with relevant authorities on drainage issues
- Plan doesn't conform to Building Regulations H3
- Southern Water do not agree
- Plans are inaccurate
- Foul and surface drainage must be separate

Archaeology

Further groundworks may be necessary to comply with Building Regulations/Southern Water requirements, which will impact on archaeological works undertaken.

1 petition has been received comprising 12 signatures. This raises objection to the full discharge of condition 6 (archaeological monitoring) on the following grounds:

- Building Control have not approved the building and further excavation works may be required
- Southern Water object to the drainage layout
- Additional excavation could affect the Scheduled Ancient Monument
- Further planting could involve excavation works
- Premature to discharge the archaeological condition
- Scheduled Monument Consent is required

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 conditions, which result in the following issues being of significance:

- Whether the proposed planting scheme is adequate to provide suitable screening, reducing the visual impact of the building on surrounding area;
- Whether the proposed drainage solutions are acceptable in this location;

- 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.

Condition 4 (details of the planting scheme and soft landscaping)

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details shall include indications of all existing trees and hedgerows on the land including details of those 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme."

The application in so far as it relates to condition 4 is supported by:

- Planting Schedule & Planting, Maintenance and Establishment Specification (The Mayhew Consultancy, June 2017)

Additional planting as required by the condition is needed to reinforce the establishment of effective screening, to make the holiday let building less conspicuous in its setting. The original planting scheme submitted to discharge this condition in December 2016, proposed 3 additional evergreen oak trees sited to the north east of the building, to complement the existing holly shrubs on the southern/south-western boundaries. Taking into account officer knowledge, specialist advice, consultation responses and public objections, the agent/applicant was advised that this level of planting would not be sufficient to provide the appropriate level of screening required by the condition. In addition to the screening element, concern was also raised from the AONB unit regarding the species of tree, in that they were potentially invasive and not suitable in that location.

A revised planting scheme was submitted in January 2017 to replace the originally proposed 3 Holm Oak trees with 12 English Oak trees in this north eastern location, to overcome these initial concerns. The holly shrubs remained on the planting scheme, to provide cover on the southern boundary, extending up towards the western boundary. The High Weald AONB Unit however, raised a holding objection that the retention of the existing holly on the southern boundary will not provide adequate screening to the building.

A further revised planting scheme was submitted (June 2017) in response to these comments. The revised planting scheme supplemented the holly on the southern boundary with 5 additional English Oak trees to provide additional screening from the building when viewed from outside the site. The additional oak trees on this southern boundary will be planted at a height of between 8-10cm and are anticipated to grow approximately 1m every 10 years.

The 70 previously planted holly on the southern boundary (as shown in the planting scheme) are currently not clearly visible when viewed from outside the site, obscured by the continued growth of trees that pre-date the holly plantings. Their condition is good although it is likely to take between 3 and 5 years for them to provide a substantial dense cover, growing up to approximately 6m in height. Whilst it is acknowledged that the additional oak trees proposed on this boundary will provide only a slow growing solution, it is important to note that planting more mature trees in an exposed location such as this, will only achieve short term screening as after a short period of time (approximately 2 years), the once vital trees, will take on a battered and sparse appearance, achieving very little in terms of the desired screening. Planting younger trees and allowing them to establish will be more effective in terms of achieving screening longer term. The High Weald AONB unit confirmed that they do not have an issue with the planting of additional English Oaks trees and acknowledged that whilst they are slow growing, the main objective is to protect the long term impact on the AONB, as opposed to short term screening only. They defer to the expertise of the Borough Arboriculturalist on this matter.

Taking these considerations into account, it is formally acknowledged that the south west facing side of the building remains fairly exposed when viewed from close quarters at the present time. However, with the ongoing natural regeneration of trees and scrubs, including the previously planted holly and proposed new oak trees, it is considered that the building will become much less conspicuous over time, contributing to the main objective of making the holiday let building less conspicuous in its setting. Whilst the building is unlikely to be completely obscured, it is still considered that reasonable efforts have been made to achieve the desired effect and provide adequate screening, taking account of the exposed nature of the site and suitability of planting in such a location.

The 12 proposed English Oaks to the north east of the building are considered to provide good additional screening from this angle and are of a less invasive species than the Holm Oaks proposed in the original planting scheme. They are therefore considered to provide adequate cover to satisfy the requirements of the appeal decision in respect of the north eastern boundary and reduce the visual impact of the holiday let building to an acceptable level.

On the southern boundary, the holly planting is within the fenced area of Rocklands Caravan Park but is outside the legal boundary and officially on land within Hastings Borough Council ownership. Hastings Borough Council's Estates team raise no objection to the planting, but will require the applicant to enter into an agreement that provides authority for these works. It should also be noted that the condition in the appeal decision specifically refers to the south and west boundaries, but it should be noted that western boundary is largely obscured by the bank and existing trees on this side and is not visible from outside the site. As shown in Appendix A of the landscaping scheme, the planted holly and existing trees do extend round the corner of the southern boundary towards the west and provide what is considered to be the necessary level of screening required from this angle.

No new planting will occur within the Scheduled Ancient Monument (SAM) and Historic England have no objection to the proposals.

In respect of the detailed requirements of the condition, it is confirmed that the planting scheme was submitted on the 12 August 2016, within 3 months of the Appeal decision date of 7 June 2016. The details in the planting scheme include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of the development. The planting scheme sets out clearly planting plans, written specifications of landscape and planting operations, together with maintenance and after care, noting species, plants sizes and numbers. The information submitted is compliant with the requirements of the condition and this, taken together with the considerations above, result in a recommendation to discharge this condition in its entirety.

Part 2, Condition 6 (archaeological monitoring)

*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 part 2 of condition 6 is supported by:

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

Part 1 of condition 6 - 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 was submitted within 3 months of this work being undertaken, in December 2016, in accordance with the condition imposed by the Inspector in the appeal decision.

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. Whilst objections were received regarding the potential impacts of the drainage scheme and additional planting on the site's archaeological interests, these have now been resolved and it has been determined that no additional groundworks are necessary that have not already been specified for either the drainage or landscaping works. Taking this into account, the archaeological work carried out so far has clarified that the proposed ground impact will all be within a modern made ground deposit, thus unlikely to damage significant archaeological remains. The Watching Brief Report report is therefore, sufficient to fully discharge the outstanding part of the archaeological condition and has also been submitted within the required timescale.

Condition 7 (foul and surface water drainage scheme)

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

The application in so far as it relates to condition 7 is supported by:

- Drawing number: 11.396/03E
- Surface Water Disposal Options (BdR incorporating K L Harrison & Associates Ltd, April 2017)

Within the Rocklands Caravan Park, both the storm and foul drains flow into the site drainage system, which in turn is linked to the Local Authority storm and foul sewers. The holiday let building has been constructed in place of a bungalow that was previously on site, and it is proposed to utilise the existing combined system to manage the storm and foul drainage. Southern Water initially raised a holding objection to this, on the basis that they do not allow any new connections of surface water into public foul sewer and that surface water and foul drainage should be separated as far as possible.

In response to this holding objection, the applicant/agent was advised to submit additional information that looked at alternative drainage options, setting out the following:

1. Evidence to support the claim that infiltration/soakaways are not feasible
2. Information that determines pre-development and post-development surface water run off discharge rates i.e. calculations of impermeable areas
3. Evidence to show that separate connections have been investigated, and if they are not feasible, the reasons why not.

This additional information has provided the necessary assurance that due to the site constraints and characteristics, the proposed connection to the combined system is the most appropriate option to manage foul and surface water drainage. It has also shown that there is a 16% reduction in surface flows from the holiday let building compared to the building it replaced, which provides a positive effect in terms of surface water run off. Both Southern Water and East Sussex County Council Flood Risk Management Team are now happy with this proposals and it is now recommended that this condition can be discharged.

Conclusion

The information submitted in support of this application is considered to be sufficient to provide an acceptable level of screening around the holiday let, reducing the visual impact of the building on the surrounding area. The proposal to connect to the existing combined drainage system has been demonstrated as being the most suitable option and the archaeological works have been carried out to the specified standard, with an unlikely impact on archaeological remains. It is therefore recommended that the submitted details be approved and the outstanding conditions 4, 6 (part 2) and 7 be discharged.

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

Recommendation

It is recommended that the following conditions be fully discharged:

Condition 4 (details of the planting scheme and soft landscaping)

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details shall include indications of all existing trees and hedgerows on the land including details of those 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme"

Condition 6 (archaeological monitoring)

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.

Condition 7 (foul and surface water drainage scheme)

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

The discharge of conditions 4, 6 and 7 are based on the following information:

- Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, June 2017)
- Drainage Layout Plan (Drawing: 11.396/03E)
- Written Scheme of Investigation for Archaeological Monitoring (Archaeology South-East, August 2016)
- Archaeological Watching Brief Report (Archaeology South-East, December 2016)

The applicant is advised that should changes to the scheme, not currently identified in the application, be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, conditions 6 and 7 will no longer be deemed to be discharge and a further application will be required.

The applicant is also advised that they will need to enter into an agreement with Hastings Borough Council to enter and carry out landscaping works on land within their ownership.

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

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