

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 July 2019  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Proposed Visitor Centre Hastings Country Park, Lower Coastguard Lane, Fairlight, Hastings, TN35 4AB**  
**Proposal:** **Variation of condition 4 (Foul sewerage) of planning permission HS/FA/17/01018 (Amendment to the disposal and management of foul sewerage) (amended description)**  
**Application No:** **HS/FA/19/00303**

**Recommendation:** **Grant Full Planning Permission**

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

Applicant: Hastings Borough Council per The Cave Co-operative Siddeley House Kingston Upon Thames Surrey KT2 6LX

**Public Consultation**

Site Notice: Yes  
Press Advertisement: Yes - General Interest Amended Plans  
Letters of Objection: 5  
Petitions of Objection Received: 0  
Letters of Support: 0  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection received  
Council application on Council owned land

**1. Site and surrounding area**

The proposed location for the new visitor centre is on Coastguard Lane, to the south west of the existing visitor facility, and will be set within an existing grass verge/agricultural land. The site lies with the High Weald Area of Outstanding Natural Beauty (AONB) and is a Local Nature Reserve (LNR).

The main function of the approved visitor centre will be a facility which provides information and education regarding the local landscape and special character and beauty of the Hastings Country Park/AONB.

The Council can advise that the development of the visitor centre has lawfully commenced, albeit that works to date are only below ground.

### Constraints

AONB

Local Wildlife Site

Local Nature Reserve

PROW

## **2. Background**

When originally submitted the application proposed both a variation of condition 4 and discharge of condition 5 however it is not procedurally possible to consider both using the submitted application type. As such the request to discharge condition 5 was removed from this application and will be dealt with separately.

## **3. Proposed development**

The proposed development is for the variation of condition 4 of planning permission HS/FA/17/1018. Planning permission HS/FA/17/1018 approved changes to the detail of the original planning permission HS/FA/14/01033, including changes to materials and elevations. Condition 4 of planning permission HS/FA/17/1018 is as follows:

### **Condition 4**

The foul sewerage disposal/management shall be carried out in accordance with the details approved under application HS/CD/17/01101 and no use of the building hereby approved shall occur until those works have been completed.

Reason: To ensure that no property is occupied until adequate access and drainage facilities have been provided

This application seeks to vary condition 4, removing the request for a septic tank and instead disposing of foul water through a direct connection to the mains

### **Relevant planning history**

HS/FA/17/01018	Section 73 application for the variation of condition 13 (approved drawings) of planning permission HS/FA/14/01033 - Amendments to roof structure, window openings, ventilation unit and weatherboarding material. Granted 7.3.2018
HS/NM/18/00059	Non Material Amendment application to vary the wording of condition 4 of planning permission HS/FA/14/01033 (Erection of a new visitor centre) requiring the SuDS details to be submitted prior to commencement of development above ground level rather than prior to the construction of the development. Granted 9.2.2018

HS/CD/17/01101      HS/CD/17/01101 - Discharge of conditions: 4 (sewerage, surface water & drainage details), 7 (Soft landscaping), 10 (Construction Management Plan), 14 (Archaeology) of Planning Permission HS/FA/14/01033 -Erection of a new visitor centre – Part discharged on 02/02/2018 as set out below:

Conditions 4: A Septic tank is proposed to accommodate the sewerage from the proposed building.

**Part discharged** on 2.2.2018 (the condition at that time also related to surface water drainage and further details were required in respect of that aspect in order to fully discharge the condition).

HS/FA/14/01033      Erection of a new visitor centre – Granted 6th March 2015 (expires 6th March 2018) This permission has lawfully commenced.

### **National and local policies**

Hastings Local Plan – Planning Strategy (2014)

Policy EN3 – Nature Conservation and Improvement of Biodiversity

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Sites (LWR)

Policy EN7 – Conservation and Enhancement of Landscape

Policy FA5 - Strategic Policy for Eastern Area

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

Policy T3 – Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy HN8 – Biodiversity and Green Space

Policy HN9 - Areas of Landscape Value

### **National Planning Policy Framework (NPPF)**

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme

## **4. Consultation comments**

Southern Water - **No comments**

ESCC SUDs - **No objection**

## **5. Representations**

In respect of this application a site notice was displayed and a notice placed in the local newspaper. Six letters of objections have been received from five different properties.

The relevant objections are listed in summary as follows:

- The purpose of the application is unclear. The title, GTA statement and application form are mutually contradictory.
- The Application mixes a variation of conditions with a discharge of conditions. These should be separate applications.
- The proposed changes to the foul drainage are unclear and require further details.
- Insufficient details have been submitted to discharge the surface water condition.
- Requirements imposed by consultees on a previous discharge application for surface water conditions have still not been met.
- Building Control, Environment Agency and Natural England should have been consulted as part of this application.

## 6. Determining issues

The main issue to be considered in respect of this application is whether the change of means of foul water disposal from a septic tank to mains would be acceptable having regard to the character of the area, the environment and relevant consultation responses.

### a) Principle

The principle of the new visitor centre has been previously agreed under extant planning permission HS/FA/14/01033. There have been no material changes in policy or changes at the site or surrounding area that would alter the previous decision. That matter is not for consideration. The applicant has requested a change to the way in which foul water is disposed of from the site and instead of proposing a septic tank, it is now proposed to connect to the mains. There is no policy presumption that would resist such an alteration and as such in principle the proposed development is considered acceptable.

### b) Impact on character and appearance of area/heritage

There would be no change to the siting, design, scale of the building, etc., as a result of this application, nor would the change impact on the character of The High Weald Area of Outstanding Natural Beauty (AONB) and Local Nature Reserve (LNR). The variation of condition 4 in the manner proposed would not prejudice any neighbouring residential properties; result in any highway, ecology, heritage, tree or other impacts that have not already been considered under the parent permission.

### c) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development." In this instance the site is in a sensitive area however the scale of the proposed works is small and as such screening for the purposes of EIA development is not required in this instance.

### d) Other Matters

A number of letters of representation raise concerns that various consultees have not been consulted in respect of this application. The original application for the Visitor Centre, HS/FA/14/1033 proposed and was approved with foul water disposed of through a connection to the mains. Both the Environment Agency (EA) and Natural England (NE) were satisfied with that proposal and raised no objections to it. As the same type of connection is now proposed, no further consultation is deemed necessary noting that this Council is clear what the views of both the EA and NE are on the matter. Moreover, this type of connection is already approved under the above noted application and therefore the principal has already been agreed.

For information the relevant quote from the committee report attached to HS/FA/14/1033 is noted below:

### 'Drainage

Following concerns from Natural England, foul sewerage will now discharge off site and into the existing network. The Environment Agency are also agreeable to this solution.'

## **7. Local finance considerations**

The Hastings Visitor Centre is funded by Hastings Borough Council together with an award of £475,000 from Interreg North West Europe. The Interreg award is part of the innovative project called 'Up Straw' which is increasing awareness of public building with straw across North West Europe.

## **8. Conclusion**

The proposal is considered acceptable and it is recommended the application be granted.

These 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.

## **9. Recommendation**

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

1. The development hereby permitted shall be begun before 6 March 2018.
2. 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.
3. The visitor centre shall not be used except between the following hours:-  
  
9am - 5pm Monday - Sunday
4. The foul sewerage disposal shall be via the mains and shall be connected to the mains and fully operational before the use of the building hereby approved commences.

5.
  - i) Prior to the construction of the development above ground level details of the proposed means of surface water disposal/management shall be submitted to and approved in writing by the Local Planning Authority.
  - ii) Development shall be carried out in accordance with the details approved under (i) and no use of the building hereby approved shall occur until those works have been completed.
  - iii) The building shall not be used until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

6. The development shall be carried out in accordance with the soft landscaping details approved under application HS/CD/17/01101.

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 development shall be constructed in accordance with the materials schedule approved under planning application HS/FA/17/1018.
8. The development shall be carried out in accordance with the Construction Management Plan approved under application HS/CD/17/01101.
9. The proposed amphitheatre is to be used as an outdoor classroom only and for no other use.
10. The development shall be carried out in accordance with the programme of archaeological work and Written Scheme of Archaeological Investigation approved under application HS/CD/17/01101.
11. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [10] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:

240/219 E, 101C, 108C, 240/204D, 240/205 B, 240/106/D, 240/107/D, 240/214B, 240/223

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
3. To safeguard the amenity of nearby residents and user of the Country Park
4. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
5. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
6. In the interests of the visual amenity.
7. To protect and preserve the visual amenity of the locality.
8. To protect the amenity of neighbouring residents
9. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
10. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
11. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
11. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
12. For the avoidance of doubt and in the interests of proper planning.

**Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the



National Planning Policy Framework.

3. The applicant should contact the Sussex Police Architect Liaison Officer at the Police Station, Bohemia Road, Hastings to discuss the "Secured by Design" principles for new developments.
4. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
5. The proposed works requires a connection Southern Water mains network and the applicant is therefore advised to contact Southern Water to obtain any necessary consents before works associated with the disposal of foul water is commenced.

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### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/19/00303 including all letters and documents