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Report to: PLANNING COMMITTEE
Date of Meeting: 14 August 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY
Proposal: Construction of paving slab patio around holiday let building
Application No: HS/FA/19/00172

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018
Conservation Area: No
Listed Building: No

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

Public Consultation

Site Notice: Yes
Press Advertisement: No
Letters of Objection: 5
Petitions of Objection Received: 1
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - Petition received

1. Site and surrounding area

This application relates to the existing holiday let building, sited at the southern end of Rocklands Caravan Park. The caravan park itself is sited wholly within the High Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA), and is an area susceptible to groundwater flooding in its entirety.

In addition to the above, the following designations also affect the holiday let building and its surrounding area, to which this application relates:

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

The caravan park boundary is also directly adjacent to the:

- Old Town Conservation area
- Hastings Country Park
- Hastings Country Park and Fairlight Place Farm 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 in the past 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.

2. Proposed development

This application proposes the formation of a patio area around the existing holiday let building.

The proposed patio will comprise 22mm thick Indian sandstone paving slabs, in a pumice colour. These will be placed on a base of aggregate and sand to ensure that no ground disturbance will result. The patio will surround the existing L-shaped building, extending approximately 1.2m out from the building footprint on the north eastern, north western and south western sides, and 2m out from the furthest projection on the south eastern side.

The patio edge is 0.7m short of the application site boundary, when measured at its closest point on the southern corner.

No protected trees fall within the proposed patio area.

The application is supported by the following documents:

- Heritage statement
- Site waste management plan
- SUDs report
- Arboricultural Report (including tree survey, impact assessment and tree protection plan)

Relevant planning history

- HS/PR/19/00229 Application for a Certificate of Proposed Lawful Use of parking area for temporary siting and storage of caravans
AWAITING DETERMINATION
- HS/TP/18/00769 Works relating to trees identified as L1 to L6 and L9 to L13 inclusive, including pruning, cutting back of branches, reduce in height and re pollard
AWAITING DETERMINATION
- HS/FA/17/00772 Application for prior written consent for various tree works as reserved by condition 4 (works to trees) of Planning Application HS/FA/78/00708
GRANTED 13 December 2017
- HS/FA/17/00294 Erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers
GRANTED 19 October 2017

- HS/TP/16/00089 Various tree works
GRANTED 15 July 2016
- HS/FA/15/00528 Retention of ground mounted solar panels within the garden
REFUSED 11 December 2015
- 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

Hastings Local Plan – Planning Strategy 2014

- Policy FA5 - Strategic Policy for Eastern Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy EN1 - Built and Historic Environment
- 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

Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM5 - Ground Conditions

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

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

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.

3. Consultation comments

East Sussex County Council (SUDs) - **no objection**

Note that based on the scale and nature of the proposed development, they would not seek to provide formal comments. Recommend the use of the SUDs tool, which has been used.

East Sussex County Council (Archaeology) - **no objection**

Do not consider archeological remains are likely to be affected by the proposal

Historic England - **no objection**

Note that although the works will take place in a scheduled monument, there will be no ground works and therefore no impact on the monuments archaeological resource. Scheduled Monument Consent has already been granted for these works.

High Weald Joint Advisory Committee - **no comments**

Do not comment on applications of this scale

Natural England - **no comments**

Natural England do not wish to comment on applications of this scale and refer the Council to standing advice

Hastings Borough Council (Licensing) - **no objection**

The proposal does not affect the licence for the caravan park

Hastings Borough Council (Arboriculturalist) - **no objection**

Does not consider there to be a significant adverse impact on existing trees on the site

4. Representations

Following the display of a site notice, 9 letters of representation have been received from 5 different properties.

A petition of 29 signatures has also been submitted, objecting to the application.

A summary of the comments made in letters of representation are as follows:

- Procedural concerns, in that the application should be an amendment to the permission for the original holiday let building
- Works encroach onto land owned by Hastings Borough Council and that the correct ownership certificate hasn't been served
- Encroachment into Conservation Area
- No confirmation of scheduled monument consent
- Insufficient drainage and planting details
- Relevant consultees have not been consulted
- Encroachment into areas safeguarded for planting/screening
- Errors on application form

The petition raises the following issues:

- The proposed works have already started
- The works started are in breach of existing planning permissions for the site
- The S91 application conflicts with conditions imposed at appeal by the Planning Inspectorate regarding the holiday let
- Works are proposed to be carried out on HBC land, including land within the Old Town Conservation Area, and no certificate B notice has been submitted to the land owner

- The construction of the patio will affect the ability to comply with condition 4 (landscaping) of the Inspectors appeal decision. It will also undermine the long term health of those plants remaining that form the screening to the building
- The patio will prevent the planting of 5 oak saplings as required by condition 4 of the Inspectors appeal decision regarding the holiday let
- Insufficient drainage details are provided, necessary so that land stability is not affected
- The planting report is insufficient and does not specify plants

5. Determining issues

Background

There is a detailed planning history in respect of the Rocklands Caravan Park. In the case of this application, particular reference is made to Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028), which 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. All conditions relating to that permission have since been discharged as far as is possible based on the work undertaken at the site. This application proposes a patio as an addition to Scheme 3A approved at appeal.

The main issues to be considered as part of this application relate to the impact of the proposed patio area on the character and appearance of the area, with particular regard to the sites location in an Area of Outstanding Natural Beauty, and adjacent to the designated Hastings Country Park, Local Nature Reserve and Local Wildlife site. Concerns have also been raised regarding drainage and the impact on archeological significance, which are issues also to be considered.

a) Principle

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.

b) Impact on character and appearance of area

The proposed paving slabs are a minor addition to the existing approved holiday let building. The extent of hardstanding will only be marginally increased, and some separation will still remain between the edge of the patio and the surrounding vegetation. The existing front garden area will not be compromised by this minor extension of the patio. Furthermore, given the overhang of the first floor of the holiday let, the fact that the building is screened by significant vegetation, and the land levels in this particular location, the works will not be visible from the surrounding Hastings Country Park. The use of pumice sandstone is in keeping with the appearance of the existing building, and will not cause harm to the appearance of the building or detrimentally impact on the AONB.

Overall therefore, it is considered that the proposed patio protects local character and is in accordance with the requirements of Policy DM1 of the Development Management Plan 2015.

Heritage

The application site falls within a Scheduled Ancient Monument, and therefore, detailed consideration has to be given to whether there will be any impact on this designation, and

whether the site's archaeological significance is preserved. The use of sand and aggregate for the patio base will ensure there is no ground disturbance, meaning that the archaeological significance of the site will remain unaffected. East Sussex County Council (Archaeology) are in agreement, and raise no objection to the proposed works. Historic England have also confirmed that Scheduled Monument Consent has been applied for and granted, contrary to objector concerns. Policy HN4 of the Development Management Plan 2015 is therefore complied with.

c) Impact on neighbouring residential amenities

There will be no impact on neighbouring residential amenities given the siting of the patio away from the caravans and other forms of accommodation.

d) Impact on landscape

The materials proposed are suitable given the site's location in the AONB. The colour is sympathetic to that agreed for the approved holiday let building and will not cause harm to its setting in the landscape.

e) Trees

Concern has been raised from objectors regarding the effect the proposed patio area will have on the approved landscaping scheme, including additional planting, required to discharge the conditions for the main holiday let building. This additional planting however, will not be implemented until the holiday let building is occupied (as specified in condition 5 of APP/B1415/C/15/3029007), which is not yet the case. Notwithstanding this, having visited the site, it is clear that the additional planting required to take place on the south-eastern edge of the site, will not encroach on the area specified for the patio enlargement given the limited extent of its extension and the availability of space available. It is also important to note that as there are no groundworks involved with the proposal, and that the slabs will merely be laid on a base of sand and aggregate, there will be no impact on the roots of trees existing along this nearby boundary line.

Tree works relating to the current application HS/TP/18/00769 will not have any impact on the patio being considered here. HS/TP/18/00769 relates to the maintenance of existing trees, and will not impact negatively in terms of screening or appearance of the proposed patio from the surrounding area.

The submitted Arboricultural Report shows a survey of two individual trees and two groups of trees in relation to the proposed works. This confirms that no trees would be lost as a consequence of the implementing the proposals, and that tree protection measures including protective barriers are implemented to secure a satisfactory outcome. These works are secured by condition 3.

f) Drainage

A drainage scheme for the holiday let building have been assessed in detail as part of the discharge of condition application HS/CD/16/00655. Whilst a SUDs toolkit was submitted in support of this current application, the reality is that the marginal increase in hardstanding area will not result in a significant increase in surface water run off. In addition, the geology of the site is identified as sandstone in this location, and stability is unlikely to be compromised by the small increase in hardstanding area. For this reason, despite objector concerns, it is not considered necessary or proportionate to provide a more detailed drainage scheme to supplement this application.

Taking the above into account, the Council is confident that measures to reduce the risk of flooding, and the impact on stability have been adequately assessed, and therefore the requirements of Policy SC7 of the Hastings Planning Strategy 2014 and Policy DM5 of the Development Management Plan have been complied with.

g) Other matters raised by objectors

Type of application submitted

It is argued by objectors that the application should not be considered as a stand-alone application, but rather, should be considered as a variation to the approved consent under APP/B1415/C/15/3029007. The Council will argue that whilst the holiday let building is not yet occupied, the permission has indeed been implemented due to the nature and scale of the works undertaken so far. This means that a variation of permission is not applicable in this instance and the applicant has submitted the correct application for the proposed works.

Land ownership

The Council can confirm that the site does not encroach into Council owned land, and therefore, the correct certificates of ownership have been completed.

Encroachment into Conservation Area

Whilst a very small slither of land at the south of the wider Rocklands Caravan Park site does encroach into the surrounding conservation area, this does not apply in terms of the proposed patio's location. Nevertheless, the impact on the character and appearance of the area has been considered with the site's location in the buffer zone of the conservation area in mind, and the view is maintained that the proposal includes appropriate use of materials so as not to cause harm to the significance or setting of the Conservation Area.

Consultation with statutory consultees

The Council maintains that the relevant consultees have all been consulted given the nature, scale, and potential impact of this application.

h) 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."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. Conclusion

The proposed patio is minor in scale and will not impact negatively on the character and appearance of the immediate area or the surrounding AONB. Drainage and stability issues have been adequately assessed and there will not be a detrimental impact on tree planting in this location. The proposal therefore complies 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:

11.396/04 A,
3. No development shall take place until the measures outlined in the Arboricultural Report (The Mayhew Consultancy) dated March 2019 have been fully implemented, unless:
 - the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (i) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from 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 protect features of recognised nature conservation importance.

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 paragraph 38 of the National Planning Policy Framework.

3. The applicant is reminded that should any changes to the originally approved scheme be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, then the drainage and soft landscaping conditions discharged under HS/CD/16/00655 may not be deemed to be discharged, and a further application may be required.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/19/00172 including all letters and documents