

Report to: PLANNING COMMITTEE

Date of Meeting: 14 August 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: **Field east of Jenners Lane, adjacent to Dingle Cottage, Jenners Lane, Hastings, TN35 4LH**

Proposal: **Erection of field shelter**

Application No: **HS/FA/19/00486**

Recommendation: **Grant Full Planning Permission**

Ward: ORE 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Evans Dingle Cottage Jenners Lane,
Hastings. TN35 4LH

Public Consultation

Site Notice: Yes

Press Advertisement: No

Letters of Objection: 0

Petitions of Objection Received: 0

Letters of Support: 0

Petitions of Support Received: 0

Neutral comments received 0

Application Status: Not delegated -
Application by serving employee in restricted post

1. Site and surrounding area

This application refers to a plot which covers 268.55 square meters and forms part of a larger field which is separated by means of timber posts with wire mesh fencing between. Boundary treatment for the plot consist of timber posts with wire mesh fencing between to all four sides, and substantial trees, hedgerows and shrubbery to three sides with the trees, hedgerows and shrubbery being to the north, east and west of the plot, access being to the south.

The field is located to the east of Jenner Lane, which is off of Winchelsea Lane, opposite Dingle Cottage where Jenner Lane splits, with the plot being located to the north west part of this field. There are no buildings on this land with the field being used for the grazing of three alpacas.

The application plot varies in ground height with a gentle slope from the south west to the north east although ground level does differ slightly at different points within the plot which do not follow this gradient.

There are ancient woodlands located to the south east and north east of the plot, with the woodlands located in south east being 80 metres at the closet point, and the woodland to the east/north east being 100 metres at the closet point.

Constraints

High Weald AONB

2. Proposed development

This application is seeking planning permission to erect a field shelter measuring 6 metres long, 3.6 metres in depth, 2.1 metres to the eaves, with the total height being 2.8 metres to the ridge. The proposed is to be fixed to untreated railway sleepers, thus negating the need for any foundations, which are 0.1 metres in height and as such the overall height of the proposed shall be 2.2 metres from ground level to eaves and 2.9 metres from ground level to the ridge.

The shelter will be constructed of redwood shiplap and redwood barge boards, with black 'onduline' roof sheeting and zinc ridge capping, with PVCu guttering. The roof being hipped to the front and rear with gables each end and the shelter being enclosed on three sides.

The field shelter is to be located in the south eastern part of the plot, measuring 7 metres from the northern boundary, 11.5 metres from western boundary, 1 metre from the southern boundary but will abut the eastern boundary, although land past this boundary is owned by the applicant.

The application is supported by the following documents:

- Planning statement
- Ecology and Habitat Report
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan

Relevant planning history

None

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 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 HN8 - Biodiversity and Green Space

Policy HN9 - Areas of Landscape Value

Other policies/guidance

High Weald AONB Management Plan

High Weald AONB Legislation and Planning advice note

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.

Paragraph 172 states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Paragraph 175 states: 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;

Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

3. Consultation comments

Hastings Borough Council Arboriculturist – **No objection**

The officer considers that the information and proposals provided do not have a significant adverse impact on the existing trees on site.

Hastings Borough Council Environment and Natural Resources Manager – **No objection subject to condition** (condition 4)

The officer considers the information and proposals provided are satisfactory subject to the implementation of the mitigation measures and works set out in the submitted ecology report.

High Weald AONB Unit – **No comment**

The High Weald AONB Unit do not comment on applications of this minor scale, and defer the assessment of the impact of the works on the AONB to the Local Planning Authority.

4. Representations

In respect of this application a site notice was displayed on a gate opposite Dingle Cottage, Jenners Lane. No responses were received.

5. Determining issues

The main issues to consider are the impact on, the character and appearance of the area, neighbouring residential amenities, the High Weald AONB and biodiversity and green space.

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 the area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

It is not considered the proposed erection of a field shelter will have any negative impact on the character or appearance of the area.

The proposal is only concerned with a field with boundary treatment to three sides, consisting of substantial trees, hedgerows and shrubbery, and is not visible from main roads of public areas. As such this proposed development will not have any adverse impact on the street scene, or the character and appearance of the area from the public realm.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

It is not considered the proposed erection of a field shelter will not have any negative impact on the neighbouring properties in terms of privacy, over shadowing or loss of daylight.

The proposal is only concerned with a field where the only residential neighbour is located to the south west of the plot. This neighbour and the plot are separated by some 40 metres

and boundary treatment between the two consists of substantial trees, hedgerows and shrubbery. As such it is considered there is no negative impact to neighbouring residential amenities.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Impact on the High Weald AONB

Policy HN9 of the Development Management Plan (2015), states that the inherent visual qualities and distinctive character of areas of landscape value (AONB) will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Planning Strategy also seeks to protect and enhance the town's landscape, with particular reference to the High Weald AONB, and makes clear that development proposals need to have regard to the High Weald Management Plan in assessing applications.

The application proposes the use of redwood shiplap with black roof sheeting. Given the nature of the development in terms of it being minor in scale, and the existence of substantial boundary treatment, it will remain insignificant when considered in the wider landscape. Therefore, there will be no detrimental impact to the character, scenic quality or visual benefit of the High Weald AONB. Policies HN9 and EN7 are therefore complied with.

e) Impact on trees

The applicant has submitted an Arboricultural Report in support of the application. No trees are required to be felled to facilitate the field shelter, although lifting of the lower branches of identified trees T1 and T2 are required (as per submitted Arboricultural Report). In addition, the overgrown boundary hedge is recommended to be reduced. Protective fencing is recommended within the Arboricultural Report as a method to protect the trees during construction.

Please note that none of the trees affected by the works are protected by Tree Preservation Order.

Taking the above into account, subject to the implementation of mitigation methods and recommendations contained within the submitted Arboricultural Report, there is not considered to be any adverse impact on trees or level of screening provided. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

f) Ecology

A phase 1 survey and report commissioned by the applicant and compiled by Ecology & Habitat Management Ltd provides an assessment of the site, reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The Phase 1 assessment does not identify any likely impacts on protected species, but does recommend methods to ensure construction is compliant, and ensure features that are likely to be providing an ecological resource are protected. These mitigation measures are identified in the following areas:

- Protection of breeding birds,

- Protection of reptiles and amphibians
- Limit disturbance to badgers
- Protection of hedgehogs

The woodland does provide some connection between adjacent habitats and some ecological quality. The proposal does not include removal of any existing trees but does require some alteration, and, based on information within the report it is considered the proposal will not result in the loss or degradation of the existing ecological quality of woodland, or reduce the connection of woodland to adjacent habitats, in accordance with the High Weald AONB Management Plan.

Subject to the ecological measures and/or works being carried out in accordance with the details contained in the submitted Ecology Report, the development is considered acceptable and complies with Policy HN8 of the Development Management Plan (2015).

g) 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 erection of a field shelter is considered appropriate for this location and in keeping with the existing area. These proposals would not cause harm to, the character or appearance of the area, residential amenities, the High Weald AONB or to biodiversity and green space.

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.

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:

Drawing No 1. Elevations Proposed, TQRQM19159145811601

3. 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.

4. No development shall take place until the measures outlined in the submitted ecological statements and reports as set out below have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) 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.

The submitted ecological statements and reports are:

- Arboricultural Report (Barry Holdsworth Ltd, June 2019)
Phase 1 Report (Ecology and Habitat Management Ltd, June 2019)

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 safeguard the amenity of adjoining residents.
4. 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. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

Officer to Contact

Mr G Fownes, Telephone 01424 783250

Background Papers

Application No: HS/FA/19/00486 including all letters and documents