AGENDA ITEM NO: 5 (a)

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Rocklands Private Caravan Park, Rocklands

Lane, Hastings, TN35 5DY

Proposal: Proposed asphalt surface to existing hardcore

access ramp

Application No: HS/FA/22/00339

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018

Conservation Area: No Listed Building: No

Applicant: Mr S and Mrs J Guilliard per CLM Planning Limited

14 Magpie Close Bexhill on Sea East Sussex

TN39 4EU

Public Consultation

Site notice: Yes Press advertisement: No Neighbour Letters: No People objecting: 12 Petitions of objection received: 0 People in support: 0 Petitions of support received: 0 Neutral comments received: 0

Application status: Not delegated - 5 or more letters of objection

received

1. Site and surrounding area

This application relates to an existing hardcore ramp constructed to the south east of the dwelling at Rocklands Caravan Park, which provides access to an 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 addition to the above, the following designations also affect the application site and its surrounding area:

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

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 from a narrow lane leading off Barley Lane.

2. Proposed development

This application proposes the formation of an asphalt surface to an existing hardcore access ramp, which provides access to an existing holiday let building. The holiday let building has been subject to an extensive planning history, with an appeal against an enforcement notice being upheld in 2016 but varied to allow the retention of the holiday let, thereby approving planning permission for the holiday let building (subsequently amended under HS/FA/20/00470).

The existing ramp is used for access and is constructed from MOT Type 1 Hardcore (crushed aggregate). The proposal seeks to use this as a sub-base for a 44mm porous asphalt surface, with 40mm wide concrete kerb edging. The access ramp would not be linked to the public highway. The extent of the existing access ramp area would not be enlarged.

No protected trees fall within the proposed access ramp area.

No other elements of the holiday let building are being considered as part of this application. Any other alterations may be subject to further applications for planning permission, if necessary.

The application is supported by the following documents:

- Heritage statement
- Site waste management plan

Relevant planning history

HS/FA/20/00470 Variation of condition 2 (approved plans) of Appeal Decision APP/B1415/C/15/3029007 (EN/15/00028, HS/FA/14/01036)

Amendments to balcony fenestration, appearance of the dining area window (north side - omitting opening casement) and omission of middle balcony post on south side

HS/EX/19/00780 HS/PR/19/00279	GRANTED 20 January 2021 Application for a certificate of lawful development for the existing use of parking area for temporary siting and storage of caravans REFUSED 13 January 2020 Application for a Certificate of Proposed Lawful Use of parking area for temporary siting and storage of caravans REFUSED 3 September 2019
HS/FA/19/00172	Construction of paving slab patio around holiday let building GRANTED 14 August 2019
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 repollard
HS/FA/17/00772	by condition 4 (works to trees) of Planning Application HS/FA/78/00708
HS/FA/17/00294	GRANTED 13 December 2017 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	•
EN/15/00028	Without planning permission, the construction of a two storey building ENFORCEMENT NOTICE UPHELD AND AMENDED, PLANNING
HS/FA/14/01036	PERMISSION GRANTED FOR SCHEME '3A' 7 June 2016 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.
HS/FA/14/00406	REFUSED 4 March 2015 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	·
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	· · · · · · · · · · · · · · · · · · ·
HS/FA/10/00492	Roof Alterations to form first floor accommodation GRANTED 5 October 2010
HS/FA/08/00869	
HS/FA/89/01067	

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

<u>Hastings Local Plan – Development Management Plan 2015</u>

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

Other guidance

High Weald AONB Management Plan

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

c. approving development proposals that accord with an up-to-date development plan without delay; or

- d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 (Archaeology) – **objection** – this objection has been overcome by the applicant consulting East Sussex Historic Environment Record (ESHER)

Historic England - no objection

Consider the proposal would result in low level harm to the Scheduled Monument and that

the Council should balance this against the public benefits of the proposal. Scheduled Monument Consent should be sought for these works.

High Weald AONB Unit - **Do not provide specific comment on applications of this scale.** Standard response received advising that the Local Planning Authority should assess the impact of the application on the AONB having regard to relevant national and local plan policies.

Natural England - no objection

The proposal would not have significant adverse impact on statutorily protected nature conservation sites.

Hastings Borough Council (Conservation) - have not provided comments

Hastings Borough Council (Arboriculturist) - **no objection** The proposal does not impact on existing trees on the site.

Building Control - have not provided comments

4. Representations

Following the display of a site notice, 15 letters of representation have been received from 12 different households.

A summary of the comments material to the determination of this application are as follows:

- relevant consultees have not been consulted;
- insufficient drainage, land stability, archaeology, and access details:
- inappropriate development for a protected site;
- concerns about the use of soakaways [Officer note: the proposal does not involve the
 use of soakaways, water will soak into the ground as is the existing case];
- surface water run-off may contribute to landslip;
- concerns regarding impact on archaeological significance;
- the access ramp does not have planning permission nor Scheduled Monument Consent; and,
- the application cannot be viewed in isolation as it may impact the main planning permission, such as the approved planting scheme and drainage proposal.

Comments regarding other matters that do not relate specifically to this application, are not given consideration within this report. The existing access ramp is referred to in this report, by way of background, however, members are reminded the application is only for the proposed asphalt surface.

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 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. This application proposes the formation of an asphalt surface on the existing access to the holiday let building, scheme 3A approved at appeal. The approved scheme was amended by planning application HS/FA/20/00470 which was granted planning permission on 21 January 2021.

The main issues to be considered as part of this application relate to the impact of the proposed asphalt surface on the character and appearance of the area, with particular regard to the sites location in an Area of Outstanding Natural Beauty, and proximity to the designated Hastings Country Park, Local Nature Reserve and Local Wildlife site. Concerns have also been raised regarding drainage, land stability, the impact on Scheduled Ancient Monument / archaeological significance, and implementation of approved details (landscaping) to discharge conditions, which are issues also addressed in this report.

The principle of the holiday let building within Rocklands Caravan Park has already been agreed through an earlier planning consent and the Planning Inspectorate's appeal decision as part of APP/B1415/C/15/3029007, as such this is not re-visited as part of the determination of this application.

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 asphalt surface is a minor addition to the existing holiday let site. The existing ramp has been in situ for well over four years and has been deemed previously by Council officers to be lawful in planning terms. As such, the existing ramp is not a consideration in the determination of this application, as it is an established feature within the site that does not need planning permission. With this in mind, the proposed asphalt with concrete kerb edging would provide a neat clean finish to the existing access, with an external finish which would be in-keeping with the contemporary appearance of the associated holiday let building. This is considered appropriate in terms of the impact on the character and appearance of the site, and in terms of the functionality by providing suitable, practical access to the building. As such, the materials proposed are suitable in the context of the building the access serves and would match the external finish of the parking area around Rocklands.

Given the minor nature of the proposal and the fact that the track is screened by significant vegetation, and the land levels in this particular location, the proposed works would not be visible from the adjacent Hastings Country Park, nor the wider landscape generally. In the light of the above the proposal is not considered to be harmful to the appearance of the immediate site or to detrimentally impact on the setting of the holiday let in the landscape, nor the wider AONB.

Overall, it is not considered that the proposal would cause any harm to the character and appearance of the site or affect wider landscape views, with negligible resultant impact on the character and appearance of the area. Therefore, it is considered that the proposed asphalt track surface is in accordance with the requirements of Policy DM1 of the Development Management Plan 2015.

c) Heritage

Part of the application site falls within a Scheduled Ancient Monument, and therefore,

detailed consideration must be given to whether there will be any impact on this designation, and whether the site's archaeological significance is preserved.

Specifically, the proposed asphalt surfacing of the access ramp, partly lies within the boundary of the outer extents of a Scheduled Monument, namely the Iron Age Cliff Castle and site of St Georges Churchyard on East Hill, Hastings (National Heritage List for England monument ref 1011086).

Scheduled Monument Consent

If Scheduled Monument Consent (SMC) is not in place for works undertaken within the Scheduled Monument area, as required by the Ancient Monument & Archaeological Areas Act 1979 (as amended), then the works are unauthorised. It has been acknowledged by Historic England that the existing hardcore ramp was constructed without Scheduled Monument Consent. As such, it is recognised that the existing ramp is unauthorised in that regard; however, Scheduled Monument Consent cannot be applied for retrospectively to rectify that. Nonetheless, this is a matter for Historic England and is not a planning matter. In terms of planning, the existing ramp is lawful (see section h) below) and is not a consideration in determining this application.

Notwithstanding the above, Historic England as custodians of Scheduled Monuments, have considered the impact of both the existing ramp and proposed resurfacing, and consider that the works are unlikely to greatly impact on the significance of the Scheduled Monument. This is because the works that have already taken place are unlikely to have entailed significant below ground disturbance to any depth and lie in a part of the Scheduled Monument which is unlikely to have particularly sensitive archaeological remains. Historic England are also of the opinion that the addition of the access ramp and its proposed surfacing would not significantly affect understanding or appreciation of the setting of the Scheduled Monument, given its relationship with and context adjacent to, an existing contemporary building, and being sited on the outer edges of the Scheduled Monument. As such, it would not detract from the key features of the Scheduled Monument some distance from the application site.

Impact of current proposal on Scheduled Ancient Monument

As the existing ramp does not require planning permission, any impact it may have had on the Scheduled Ancient Monument cannot be addressed retrospectively from a planning perspective. Therefore, in assessing the impact on the Scheduled Ancient Monument designation, as well as the Archaeological Notification Area, only the proposed resurfacing works being proposed by this application can be considered in the determination of this application. No significant groundworks are involved with the proposed works being considered as part of this application, and as such, these designations will not be affected, and the heritage assets would be preserved.

Overall, whilst the Scheduled Monument is recognised as being of national importance, the application site is on the fringes of the designated area, which diminishes the significance to some extent as outlined by Historic England. The resurfacing of the ramp is considered to be at the lower end of 'less than substantial' in terms of the harm to the Scheduled Monument. Historic England confirm this would be the case collectively with the construction of the ramp itself, although as already stated from a planning perspective, this is not a consideration for this application.

Therefore, in light of the above, the low level of harm identified when weighed against the benefits of providing suitable disabled access to an existing holiday let for the convenience of the occupants, is considered to be tilted favourably toward the benefits. Therefore, when

applying the balance judgement required by paragraph 202 of the NPPF, the proposal is acceptable from a heritage point of view. Equally, Policy HN1 of the Planning Strategy, and Policy HN4 of the Development Management Plan are also complied with.

Archaeological significance

The formation of the existing ramp was constructed from materials laid on the ground, with minimal, if any, disturbance below ground level. Whilst it cannot be categorically concluded that there was no harm to Archaeological significance during the formation of the ramp, as there was no archaeological monitoring, pragmatically based on Historic England's view, no significant impacts to the Scheduled Monument would have ensued from its construction. Notwithstanding this, as alluded to above, this application relates to the proposed resurfacing only and it is contended that this would not impact on any archaeological remains.

Following comments by County archaeologists, East Sussex Historic Environment Record (ESHER) were consulted by the applicant in accordance with the requirements of the National Planning Policy Framework (Para 194). As no groundworks are required to carry out the proposed works, they confirmed that in this instance, the information held by the ESHER would not contribute to determining the significance of the heritage asset. As such, there is no requirement for the Local Planning Authority to consult directly with East Sussex County Archaeology team as, based on the available evidence, ESHER do not believe that any significant archaeological remains are likely to be affected by these proposals. As such, the initial objection of the County Archaeologists is deemed to be overcome.

Conservation Area

The application site is adjacent to a part of the Old Town Conservation Area, which acts as an open land buffer to protect the historic Old Town from encroachment of built development. The works to the access ramp proposed by this application would not impact on the open setting of this part of the Old Town Conservation Area.

d) Impact on neighbouring residential amenities

Given the nature of the proposed works, there will be no impact on residential amenity. Policy DM3 of the Development Management Plan is therefore complied with.

e) Trees

Concern has been raised in representations to the Council regarding the effect the proposal will have on the approved landscaping scheme, required to discharge the conditions for the main holiday let building. Condition 4 was imposed by planning permission granted under appeal ref: APP/B1415/C/15/3029007. The details required by this condition were subsequently approved (HS/CD/16/00655), namely the Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017), on 21 July 2017. To fully discharge the condition the approved details are required by condition 4 to be implemented before the holiday let is occupied (it is not currently occupied).

Additional planting shown within the approved planting plan, is outside the area of the access ramp, as such, the access ramp does not nor would not prohibit the implementation of the approved planning scheme. The current proposal to resurface the ramp would not alter that.

As such, due to the relevant ground conditions, Condition 4 can be discharged in accordance with the approved details, and the applicant will be advised to submit a further application should there be any revisions to the approved planting details [Informative 3].

The Council's Arboriculture officer has confirmed that no existing trees will be impacted by the proposal, and as such has no objection to the proposal.

f) Ecology

The existing access ramp is constructed from compressed aggregate which would have low ecological value. The proposed work to resurface the ramp would not exacerbate this. As such, whilst there are important habitat designations nearby, the proposal would have a neutral impact in biodiversity terms. Natural England concur that the proposal would not have a significant adverse impact on statutorily protected nature conservation sites and have no objection to the application.

g) Drainage

The drainage of the existing ramp is into the ground by soakage. The proposal seeks to provide a fully permeable asphalt surface to the existing hardcore access ramp. This allows water to percolate through it rather than accumulate on the surface and run-off. As such, the soakage into the ground would continue in much the same way as the existing situation. The surface area of the access ramp is not being proposed to be enlarged, and as such, the resurfacing works would only result in a marginal (if any) increase in surface water run-off. Any surface water run-off would be collected in a gully within the adjoining parking area. As such, there would be no substantive change to ground drainage conditions as a result of the proposal. A drainage scheme for the holiday let building has been assessed in detail as part of the discharge of condition application HS/CD/16/00655. No conflict is anticipated with this, however, any revisions to the approved drainage scheme would require the applicant to submit a further application [Informative 3].

In addition, land stability is unlikely to be compromised by such minor scale works, given the status quo of the site drainage and the limited additional loading of the asphalt surfacing works.

Therefore, despite concerns raised in representations, it is not considered necessary or proportionate to provide a more detailed drainage scheme to supplement this application. It is also noted that based on previous applications for this site, the County Lead Local Flood Authority would not provide formal comments due to the minor scale and nature of the proposed development.

Taking the above into account, the Council is confident that drainage and land stability have been adequately assessed and would have a neutral impact, 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.

h) Other matters raised in representation

Type of application submitted

It has been raised as a concern that the proposed asphalt surface should not be considered in isolation, but rather, should be considered as part of the construction of the access ramp in its entirety. Following investigations by Council officers, the laying of hardcore on the ground to form the access ramp has been evident since 2014. Therefore, having been in place for more than 4 years, regardless of whether it amounted to engineering works to be deemed as development or not, by virtue of the passage of time the access ramp is lawful in planning terms. As such, there is no requirement to retrospectively apply for permission for the ramp.

The applicant has correctly applied for the proposed resurfacing of the ramp, as this does require planning permission.

The proposed new surface will also need Scheduled Monument Consent from Historic England and the applicant will be advised of this [Informative 4].

Furthermore, whilst the application site is within the site area of the approved permission for the holiday let, approved under APP/B1415/C/15/3029007; this permission has been implemented, which means that a variation of that permission is not applicable in this instance and as such, the applicant has also submitted the correct application for the proposed works in that regard too.

Discharge of conditions

For information purposes, applications have been received to discharge all the conditions set out in the Appeal Decisions, which have been approved, and will be fully discharged subject to being implemented in accordance with the details approved. The relevant discharge of conditions applications are as follows:

HS/CD/16/00655 - 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); HS/CD/18/00371 - Discharge of condition 8 (external colour scheme) of Appeal A ref, APP/B1415/C/15/3029007 - (EN/15/00028).

The details submitted were considered to be acceptable and were approved.

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.

6. Conclusion

The proposed resurfacing works are minor in scale and will not impact negatively on the character and appearance of the immediate area or the surrounding AONB. Heritage issues have been adequately assessed and there will not be a detrimental impact in this regard to the Scheduled Ancient Monument, Archaeological remains, nor the Conservation Area. No other harm has been identified regarding Ecology, Trees, Drainage and Land Stability. 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 plan:

21.408/01A

Reasons:

- 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.

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this decision 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, then the drainage and soft landscaping details approved under HS/CD/16/00655 may not be deemed to be discharged, and a further application may be required.
- 4. The applicant is advised to also apply to Historic England for Scheduled Monument Consent to undertake any changes to the ramp including resurfacing.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/22/00339 including all letters and documents