

## Synopsis Critique of Letter to Amber Rudd MP from S Batchelor

The information provided to you omits several critically important details, is totally incorrect in some respects and misleading in others.

We are providing you with a necessarily lengthy analysis of S Batchelor's letter but these are the key points of which we think you should be aware:

- Justification for the latest approval relies on an **approval in 2010 of a large extension** which was never built. This approval was made without reference to the Planning Committee based on seriously misleading information (incorrect description, unscaled drawings, etc.), consultation was inadequate and the opinion sought of High Weald AONB was based on this flawed and incomplete information.
- S Batchelor states that the latest proposal was essentially the same as the one refused in July 2012 “[but was supported by additional information that overcome the reasons for the previous refusal](#)” but the only additional information supplied at the time of the application was a Heritage Statement which was fatally flawed as it is based on false information regarding the size and impact of the building.
- In particular the Heritage Statement states, “[the application for a replacement building was comparable in size and scale to the extension approved in 2010](#)” whereas the new building is far larger than the never-built 2010 plans and massively larger than the old bungalow it replaced. Consequently the advice given by High Weald AONB was flawed.
- The advice given within the Heritage Statement was ignored, the advice given by English Heritage was ignored and, astoundingly, the decision was taken without reference to the Planning Committee despite the fact that the breaches noted by the earlier refusal had not been addressed, specifically: C1, Development within conservation areas; C6, Archaeological sites and ancient monuments; DG1, Development Form; EN1, Build and Historic environment; EN4, Conservation and enhancement of landscape; L2, High Weald AONB; L3, Development outside the Built-Up Area; T7, Development within caravan sites.
- Finally, it appears that was never the intention to build to the plan approved and footings, that were commenced even before approval, accommodate a larger ground floor plan and supports for much larger balconies.

We are aware that you have been given incorrect answers to many questions raised about tree removal at Rocklands and we believe that you continue to be misled by the Planning department. Many more errors are highlighted in the attached document but we hope this will indicate the magnitude of the deception.

Dear Ms Rudd,

**Enquiry Number:** DCQ/14/00357

**Subject:** Replacement of single storey holiday let with a two storey holiday let

**Location:** Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY

I am writing in response to your letter of 11 March 2014 and apologise for the delay in responding. There is a significant planning history to the site.

In 2010 a large extension was approved (under reference HS/FA/10/00492 and approved on 05 October 2010).

Two other applications were made in 2012. The first was for the demolition of the holiday let and its replacement with a new holiday let (under reference HS/FA/12/00471 and refused on 19 July 2012).

The second application was essentially for the same proposal but was supported by additional information that overcame the reasons for the previous refusal (under reference HS/FA/12/00952) and this was approved on 13 February 2013.

Crucially the second application in 2012 demonstrated that:

- the application for a replacement building was comparable in size and scale to the extension approved in 2010;
- the development would not have adverse impacts on heritage significance - including archaeology and any the scheduled ancient monument;
- the redevelopment of the site would be beneficial from a tourism and economic perspective.
- the size of the new build would make the holiday let more accessible to those with physical disabilities.

The first of these points is particularly important. Having reconsidered the application the case officer re-estimated the impact on of the proposed development on the character of the area. The conclusion being that demolition and rebuild would not result in a building that was significantly larger than the approved extension in 2010.

When taken together with the additional information submitted by the applicant to overcome heritage concerns, the benefits of the proposal to tourism and the benefits to those with disabilities the officer concluded that the application should be approved.

I am not aware that any trees were felled to allow this development and as the constituents acknowledge additional screening has been sought by planning condition.

I appreciate that local residents may still object to the proposals but the application was considered in the correct manner and the decision is considered sound.

There is no third party right to appeal a planning decision made by the Council. It is possible for people to challenge the matter through non-planning legislation but there is a time limit for this and I believe it may have passed. A solicitor or the Citizens Advice Bureau may be able to offer further assistance.

Yours sincerely,  
S Batchelor  
Senior Planner - Development Management

In 2010 a large extension was approved (under reference HS/FA/10/00492 and approved on 05 October 2010).

This is true. However many of the flaws that were evident in the 2012 planning process and decision were also present in this application: Planning approval should never have been granted

Please see **Appendix B**

Two other applications were made in 2012. The first was for the demolition of the holiday let and its replacement with a new holiday let (under reference HS/FA/12/00471 and refused on 19 July 2012).

This was refused on the grounds that that it would be detrimental to this part of the High Weald AONB and contrary to local development policies.

Please **See Appendix A** for full details.

The second application was essentially for the same proposal but was supported by additional information that overcame the reasons for the previous refusal (under reference HS/FA/12/00952) and this was approved on 13 February 2013.

The only additional information provided was a heritage statement. This statement was flawed because it was based upon false information

- The size and impact of the new building was understated. Heritage believed the new building would be constructed entirely within the footprint of the old.
- Heritage believed the new footprint to be smaller, it is in fact 14% larger.
- The new building is 1.7 metres wider when viewed from the East Hill. This means that the area of foundations have been expanded into previously unused ground without any archaeological survey being done.
- A belief that that existing screening would be increased rather than **completely** removed. The removal of screening has made the building visible from most of Ecclesbourne Glen and large parts of the East Hill.
- The visual impact is **not** restricted to the area already impacted upon by the existing structure. It is visible from the East Hill and Ecclesbourne Glen.
- The heritage statement recommended that additional screening be planted to minimize the visual impact. This was ignored and all screening was removed.

There are many flaws in the second application process please see Appendix A for full details.

Crucially the second application is 2012 demonstrated that:

- the application for a replacement building was comparable in size and scale to the extension approved in 2010;

This is simply not true. The new building is far larger than the 2010 imaginary building. It is massively larger than the actual bungalow that was on the site.

This is a 3 building shuffling trick. Comparisons are being made with a non existent building rather than the physically existing bungalow that was demolished. There are continual references to the 2010 building which was never built. Plans were presented without scale. Neither the existing bungalow or the imaginary 2010 building were presented in the plans. It was impossible for anybody who reviewed this application to assess the vast change in scale of the building. Consultees such as the AONB were misled about the size of the building. Planning should never have allowed an application with such flawed plans to proceed.

The existing Bungalow:

- The new building is massively larger than the old bungalow.
- Its core footprint is 14% larger. The footprint with balconies is 57% larger than the old building.
- The new building is 1.7 metres higher than the old (42%).
- The **vertical walls** of the old building had a total area estimated to be in the region of **92 square m**. None of these walls were visible from the east hill or country park.
- The new building (excluding balconies) has high vertical walls and is basically a cube with a flat roof. The **vertical walls** of the new building have a total area estimated to be in the region of **227 square m (250% larger)**. Three Sides of the new buildings walls are visible from the east hill and country park giving a total visible area of **168 square m**. The walls are painted in an off white colour which further highlights them and reflects sunlight off them.

The 2010 Building

- Has the same footprint as the old bungalow.
- Its overall visual impact is far less than the new build

The following table illustrates the differences in scale of the three buildings

<b>Dimensions (M)</b>	<b>Old Bnglow</b>	<b>New Approved</b>	<b>HS/FA/10/000492 Approved roof extensions</b>
GF Width	7.0	9.5 (35%)	7.0
GF Depth	9.5	10.5 (10%)	9.5
GF Area	66.5 sq m	100 sq m (50%)	.66.5 sq m
Width with balcony	.	10.5 (50%)	8.2
Depth with balcony	.	11.4 (20%)	9.5
Area with balcony	.	120 sq m (80%)	75 sq m
Depth of balcony	.	2.0	1.8
Height Walls	2.5	5.7	5.5
Height to roof peak	4.0	5.7 (42%)	6.3
Vertical wall area	82 sq m	227 sq m (270%)	181.5 sq m
Visible Wall area	59 sq m	168 sq m (300%)	129 sq m
Volume living space	166 cubic m	568 cubic m	365 cubic m
Volume roof	49 cubic m	0	27 cubic m
Total Volume	215 cubic m	568 cubic m (260%)	392 cubic m

It can be seen that although the approved first floor roof extension made the bungalow far larger and more intrusive there is a considerable increase in size from this to the new build cube building.

This information was brushed over in the reports and I believe made it impossible for consultees to make informed decisions on the impact of the building.

The plans for the hs/fa/10/00492 were not made available during consultation for the hs/fa/12/00952 process.

- the development would not have adverse impacts on heritage significance - including archaeology and any the scheduled ancient monument;

This is untrue. The previous rejected application demonstrated this nothing has changed since the previous refusal.

- the redevelopment of the site would be beneficial from a tourism and economic perspective.

This is highly unlikely. If anything the development will reduce tourist visitors as the wonderful views have now been lost.

This is beneficial for who? Rocklands will certainly get more revenue. No new jobs will be created. How many visitors will the town lose?

The existing bungalow already attracted visitors. The new building brings extra revenue I am sure but does not increase the number of jobs.

- the size of the new build would make the holiday let more accessible to those with physical disabilities.

Disabled access seems to have been added by planning to reinforce their case. The applicant makes no reference to it.

I can find no reference to this in any planning documents linked to this application. I fear that this has been added by planning retrospectively to give greater weight to what is a very controversial and flawed process. The building is not suitable for disabled use. The living room and kitchen are upstairs and cannot be accessed by wheelchair users.

The first of these points is particularly important. Having reconsidered the application the case officer reprised the impact on of the proposed development on the character of the area. The conclusion being that demolition and rebuild would not result in a building that was significantly larger than the approved extension in 2010.

The new building is much larger than the imaginary 2010 building as this table (repeated) shows

<b>Dimensions (M)</b>	<b>Old Bnglow</b>	<b>New Approved</b>	<b>HS/FA/10/000492 Approved roof extensions</b>
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I am not aware that any trees were felled to allow this development and as the constituents acknowledge additional screening has been sought by planning condition.

This is not true. Planning were aware of tree removals.

Trees were felled and the ground cleared in October 2013 some 2 to 3 months before planning permission was granted. Planning officers have confirmed to me in meeting that they were aware of these works starting in October 2013 before permission had been granted.

Planning condition 5 did indeed request that additional screening be implemented. By the time this condition had been approved all the screening had been removed. Planning was aware of this and yet did not take any enforcement action against Rocklands.

Rocklands remain in breach of this condition and historic conditions that specify trees cannot be removed from the site without consent. Planning have taken no enforcement action. Rocklands have planted a row of 60-80cm high holly bushes. This hardly constitutes increased screening.

## Appendix A – Flaws in the planning process for HS/FA/12/00952

That the documents supplied with HS/FA/12/00952 contained factual errors:

- **Original Application has false information**
  - 15 Trees or hedges -Incorrectly states that no trees or bushes were on or adjacent to the site. As a consequence no tree survey was carried out. All removed rapidly before approval granted
  - 9 Boundary treatments – Trees and vegetation , **As existing**  
All removed rapidly before approval granted
  - 13 Biodiversity B) **No** C) **No**  
Site borders SSI and SAC
  - 11 Please state how foul sewage is to be disposed of. **Unknown**
  - Does your proposal include the gain or loss of residential units? **No**  
But the so-called Design & Access Statement states that the accommodation will include two double-bedrooms with *en suite* bathrooms a kitchen, dining area lounge area and toilets on both floors. The bungalow did not have all this so the answer is of course Yes.
  
- **Design and Access statement has false information**
  - Gives incorrect dimensions for the size of the building, claiming it will be in the same footprint. Understates the width depth and height of the building
  - Suggests that existing trees and bushes would stay.
  - These statements were used uncritically by Planning,High Weald AONB The heritage report and English Heritage. All made decisions based upon false information namely:
    - The size and impact of the new building was understated
    - A belief that that existing screening would be increased rather than completely removed.
  
- **Additional Information**
  - Photos appear to be very old and give the impression Rocklands is well screened. By the time of application many trees had been removed against planning conditions and screening was reduced.

- **Proposed Plans 11/396/1a and 11/396/2a are unclear and contain incorrect measurements for the existing bungalow footprint.**

Guidelines for drawings on planning portal state “*All plans and drawings must have a scale bar , key dimensions , direction of north original paper size and scale clearly marked.*”

#### **11/396/1a**

- **Does not show a scale ,dimensions, original paper size and scale** so difficult to asses the size of building.
- Contradicts the design statement. **Building is clearly a much larger footprint then the existing.**
- **Shows existing trees and shrubs** that have since been removed
- **Does not show previous existing building** for comparison purposes
- **Balcony depth is 2.1m** as compared to **2.9** on final plans
- **No plans of existing bungalow** being replaced , without these impossible to asses impact of new
- **The Block plan exaggerates the footprint of the existing building by 22% .** It is represented as being 8.42m wide (SW east hill) and 9.5 deep (SE). This gives it an area of roughly 80 sq meters. The real dimensions are in fact 7m wide and 9.5 deep , area = 66.5 sq meters. These dimnsions are show on the existing ground floor plans for planning application has/fa/10/00492.

#### **11/396/2a**

- **Do not show a scale ,dimensions, original paper size and scale** so difficult to asses the size of building.
- Shows the dotted profile of a building (approved hs/fa/10/00492) that was **never built NOT** the currently existing bungalow. This massively understates the changes between existing bungalow and new building.

These **plans should have been rejected by the planning department.** They do not meet minimum standards and have incorrect measurements.

- **Site Photos**
  - Show the mature trees and bushes shielding the site – now all removed..
  - It was assumed that these trees would be retained.

That the **public notification process** was inadequate:

- Only 2 people on the list.
- There are many residents in Barley Lane that are closer than Rocklands cottage. None were informed.
- Planning notice posted outside main gates of Rocklands. This is a good 500 meters from the site of the development. Notices should have been posted next to site on East Hill. People seeing this notice would assume it refers to building inside the grounds of Rocklands and does not affect borders of country park.
- No local groups such as the Friends of the Country Park, Hastings Old Town Residents Association were contacted.
- HBC is the biggest neighbour. No Departmental heads of HBC informed. HBC owns the Country Park.
- As a consequence no objections were received and the planning decision did not go to the planning board but was delegated to a planning officer.

That the expert opinion sought from the **High Weald AONB** was based on incorrect information and was therefore flawed.

- The AONB opinion is based upon incorrect statements about the dimensions of the new building.
- The plans did not show scale and Balcony depths were changed on the final plans.
- The AONB opinion is based upon an understanding that existing screening would remain and be increased. All screening has been removed during the development.
- The new building certainly impacts on the natural beauty of the area as referred to by the AONB. Witness the large areas of vertical walls visible from all over.

That the expert opinion from the **High Weald AONB** contradicted its previous comments for HS/FA/12/00471 when it recommended refusal.

- The new building remains the same size as before yet this new statement contradicts the points raised by the AONB six months earlier and does not explain why the AONB position has changed
- This unexplained change of opinion by the AONB was one of the major reasons that planning approval was given.
- The AONB recommended a simple like for like replacement
- It appears that for an unknown reason the AONB used their statement from HS/FA/10/00492 instead of HS/FA/12/00471 when it commented.
- The plans did not show scale and Balcony depths were changed on the final plans.

In later correspondence the AONB explains its support for the application in the following terms:

“I am sure you appreciate the complicated and extended planning history on this site which has led to some concerns regarding the development and our technical responses to the various applications. Let me assure you that the AONB Unit understand the concerns and issues that the development has raised, and share many of them.

Some of these issues are explained by changes in guidance and policy, not least the recent adoption of the revised AONB Management Plan, which makes more specific reference to visual and perceptual qualities and the value people place on their local landscapes. **Also our responses have to be seen in the context of the full planning history on the site, including the consent to add a second story to the previously existing bungalow, which established the principle of an increased building size.** The later applications are seen in the context of that earlier consent and it is a matter of the degree to which the revisions constitute a significant impact on the AONB. The fact that the actual development has not been built in accordance with the approved plans has also made the situation more acute, and has also contributed to our reconsideration under the retrospective application.

The revised High Weald AONB Management Plan adopted by partners on 31st March 2014 makes reference in para 2.3 (p19) and in the Statement of Significance (p26) to the value people place on the scenic beauty of the AONB landscape and to their enjoyment of its special qualities including the views to and from the AONB, and the tranquillity and intimacy of its landscape. The current application by extending the balcony and increasing the physical mass and obtrusiveness of the construction has we think, materially changed the scale and impact of the development. On balance we consider that the build, due to the changes and in such a visible and sensitive location, will have a serious impact on people’s enjoyment of the AONB special qualities and will not contribute to conservation and enhancement of the natural beauty of the area, and we have commented on the application to the Council accordingly”

This does not explain why the first application was opposed by the AONB. However it does confirm that the confusion over the size of the new building and the references to the 2010 building (which was never built) have confused the issues.

The Design and Access statement provide by Rocklands also states that the new building has the same footprint., this is deliberately misleading.

The fact that plans had no scale and Plans and elevations for the 2010 building and the existing bungalow were not supplied contributes to this confusion.

The new building is substantially larger than the 2010 approved building. This would have been apparent to consultees if they had been provided with correct plan and correct information.

That the expert opinion from the **High Weald AONB** was **inconsistent** as the latest comments from the AONB on the retrospective applications are again opposed to the application

That the expert opinion sought from the **Heritage statement** was based on incorrect information and was flawed:

- The size and impact of the new building was understated. Heritage believed the new building would be constructed entirely within the footprint of the old.
- The plans did not show scale and Balcony depths were changed on the final plans.
- Heritage believed the new footprint to be smaller, it is in fact 14% larger. With balconies it is larger still.
- The new building is 1.7 metres wider when viewed from the East Hill. This means that the area of foundations have been expanded into previously unused ground without any archeological survey being done.
- A belief that that existing screening would be increased rather than completely removed. The removal of screening has made the building visible from most of Ecclesbourne Glen and large parts of the East Hill.
- The visual impact is not restricted to the area already impacted upon by the existing structure. It is visible from the East Hill and Ecclesbourne Glen.

That the advice given within the **Heritage statement** was ignored:

- Increasing the screening effect of the trees and bushes
- Consultation with the Country Park management team to reduce any potential impact on its amenity

That the advice given by **English Heritage** was not followed:

- National and local guidelines have been ignored during the planning process

That Planning did not stipulate a **geotechnical survey** of the site despite being aware of a **landslip in May 2013** nearby within the grounds of Rocklands:

That the **Application did not go before the Planning Board**. This is astounding for such a development in such a sensitive site and the extensive grounds on which an application for a near identical building was rejected in July 2012.

The following areas of the **Delegated Report from Planning** are flawed:

That the **Description and dimensions** are incorrect:

- The core footprint of the building is actually 10.462m by 9.53m = 99.7 sq m
- Dimensions with balcony are actually 11.5 metres by 10.5 metres. = 120 sq m
- The footprint quoted of 8 \* 9 metres = 72 sq m is incorrect by 28 sq m (over 38%)
- Dimensions with balcony quoted of 10\*11 = 110 sq m is incorrect by 10 sq m
- The height is 1.7m higher than the old building (42%)

That **the visual impact** of a new cube like structure is understated

- The old building had low walls 2.43 m high with a shallow pitched roof increasing the height by another 1.5m. The **vertical walls** of the old building had a total area estimated to be in the region of **95 square m**. None of these walls were visible from the east hill or country park. The estimated volume of the old building with the pitched roof is around **280 cubic m**
- The new building (excluding balconies) has high vertical walls and is basically a cube with a flat roof. The **vertical walls** of the new building have a total area estimated to be in the region of **227 square m(250% larger)**. Three Sides of the new buildings walls are visible from the east hill and country park giving a total visible area of **168 square m**. The walls are painted in an off white colour which further highlights them and reflects sunlight off them. The estimated volume of the new building(excluding balconies) is estimated to be around **568 cubic m**.
- The hs/fa/12/00952 plans did not show scale and Balcony depths were changed on the final plans hs/cd/13/00792

That **consultations** are flawed:

- **The Heritage report** was based on understated dimensions and an assumption that screening would be increased.  
The Recommendations of the Heritage report have been completely ignored.
- **English Heritage** made a judgment based upon understated dimensions and an assumption that screening would be increased. They did recommend that “The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice”
- **High Weald AONB** made a judgment based upon understated dimensions and an assumption that screening would be increased.. It was also in complete contradiction to a previous judgment made 6 months earlier:
- **Natural England were not consulted** – they were consulted in the subsequent retro application.

**That there is a degree of confusion between past approvals, the current existing bungalow and the new development.**

During the planning process for this application reference is often made to the **HS/FA/10/000492 approval** for a roof extension to the existing bungalow. It is often stated that the impact of this new building will be no greater than this approved plans. Leaving aside the fact that approval for hs/fa/10/00492 was based on a very flawed process (see below) it is worth comparing the 3 buildings in size.

<b>Dimensions (M)</b>	<b>Old Bnglow</b>	<b>New Approved</b>	<b>HS/FA/10/000492 Approved roof extensions</b>
GF Width	7.0	9.5 (35%)	7.0
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It can be seen that although the approved first floor roof extension made the bungalow far larger and more intrusive there is a considerable increase in size from this to the new build cube building.

This information was brushed over in the reports and I believe made it difficult for consultees to make informed decisions on the impact of the building.

I don't believe the plans for the hs/fa/10/00492 were made available during consultation for the hs/fa/12/00952 process.

Even if they were it would be virtually impossible to compare for the following reasons:

Hs/fa/12/00952 plans:

- No scale on the plans
- No plan of existing bungalow
- No plan of hs/fa/10/00492 which is used as reference
- No dimensions
- No original paper size

Hs/fa/10/00492 plans:

- No scale on the plans
- No dimensions
- No original paper size

I have been analyzing these plans for ages and finally have had to draw up my own copies to make things clear.

Given this information (or lack of it) there was an enormous degree of ambiguity during the planning process.

That the approval based upon the following policies was based upon incorrect information:

**Impact on street scene/design(2004 plan policies DG1,DG12,DM Plan proposed submission version policies DM1, DM3) and impact on landscape/AONB(L2,L3,T7)**

- This decision appears to be based upon the quoted dimensions above and not on the actual dimensions submitted on the plans. A 34% increase in the area (with balconies) and a 42% increase in height does seem to be a significant increase in size.
- The decision assumes that screening will be improved by planting this has not happened as all screening has been removed.
- The decision admits that the footprint is not the same but slightly larger. The AONB, Heritage report and English Heritage all believed that the footprint was the same.

**Impact on Historic Assets(DG1,C1,C6)**

- **The Heritage statement** was the main difference between this application and the previous one which was refused. As commented elsewhere the assumptions the Heritage statement were based on were flawed and the recommendations of the Heritage statement have been completely ignored by planning.
- The **visual impact** of the new building is very widespread.
  - It can be seen from large areas of the East Hill. The old building was not visible.
  - It can be seen from the memorial bench. The old building was not visible.
  - It can be seen from the slopes of the East Hill leading down to Ecclesbourne. The old building was not visible.
  - It can be seen from many vantage points in Ecclesbourne Glen. The old building was not visible.
  - It can even be seen from the meadows in Barley Lane.
- The overall effect on the setting of the **SAM** is quoted as slight adverse. The report recommends mitigating the visual impact by increasing the screening effect of the hedges and trees. A condition was added to the Permission. This has proved to be ineffective. This condition has been completely ignored by the developers. Instead of increasing screening they have removed all of the trees and bushes that shielded the site. When I first reported this to Planning I was told that the developers were entitled to do this as the condition only applied to a handful of trees that had to be planted inside the development. Planning now accept that this condition may have been broken but are allowing the development to continue subject to the developers replanting.

**Tourism (T6,T7)**

- Head of communications and marketing supports the application. Why are there no comments in this report from other HBC departments such as Country Park Management?
- States that without developments like this jobs will be at risk!  
On what basis was this assessment made?  
The impact of this development on tourism has been disastrous as the visual beauty of our Country Park has been destroyed at a point close to the Est Hill lift and where most visitors will go.

That the **reasons given for the previous refusal HS/FA/12/00471** were still relevant but were no longer considered relevant by planning on the new application. These policies are breached by the new development.

- C1 Development within conservation areas
- C6 Archaeological sites and ancient monuments
- DG1 Development Form
- EN1 Build and Historic environment
- EN4 Conservation and enhancement of landscape
- L2 High Weald AONB
- L3 Development outside the Built-Up Area
- T7 Development within caravan sites

That **several LDP policies which were checked in the previous refusal** were not considered when this Application was accepted. These policies are breached by the new development.

- EN1 Build and Historic environment
- EN4 Conservation and enhancement of landscape

That **several relevant policies in the LDP were not taken into consideration** when this Application was accepted and that the development breaches these policies.

- DG7 High or visually prominent buildings
- DG8 Protection of Views
- DG21 Development on unstable land
- DG27 Surface water
- L7 The undeveloped coast
- NC1 Hastings cliffs special area of conservation
- NC2 Sites of special scientific interest
- NC3 Local Nature Reserves
- NC6 Sites of Nature Conservation Importance
- NC7 The green network
- NC8 General planning requirements
- NC9 Information to accompany planning applications
- NC10 Ancient woodland
- OS1 Protection of Open spaces
- T5 Self catering accomodation
- T6 Caravan and camping sites

That the effects of **Noise pollution** from the residents on the large balconies was not taken into account.

That the effects of **light pollution** from the building was not taken into account. It is likely to be detrimental to the environment and wildlife of the country park.

That the screening information from **HS/CD/13/00792** was shown on the. plan

This information has not been used by the developers who have removed all screening from the building.

That the subsequent application to meet conditions **HS/CD/13/00792** :

The drawing (11/396/03b) was designed to show screening arrangements. It was submitted to planning with the comment “*Here is our plan showing the additional screening as requested*”.

No mention of any changes to anything else. The drawings did not include floor plans so cannot be considered to be a revised drawing.

Yet other **significant changes** were also made to the **depth of balconies**.

This increased the **visual impact of the building** a factor that had already been considered by AONB, Heritage and English Heritage. They were **not consulted again**.

The **depth of balconies** increased from 2.1 to 2.95 metres.

This led to an **increase from 36.3 square metres to 56 square metres (55%) in balcony size** on a development very close to the edge of a well known view point in the country park. These changes were **not marked as changes** on the new plan submitted.

The new plan shows **existing screening**, all this screening was removed by the developers. Despite condition 5 requiring **increased screening**.

AONB, Heritage and English Heritage had all made their comments based upon the fact that screening would be increased not completely removed. This screening would have had to be removed to accommodate the larger balconies!

That planning **have failed to monitor the development** since permission was granted:

- All of the trees and bushes that screened the building had been removed by the developers. This was against Condition 5 of the planning approval which stipulated that screening was to be increased. Whilst the building it replaced was totally invisible, the new building is now fully visible from the East Hill and most of Ecclesbourne Glen. When this was reported to planning they responded by saying that they were unaware of any tree removals and that the developers were free to remove screening as condition 5 only stipulated screening on the north east side. They did not follow up and visit the site.
- Following a subsequent enquiry planning agreed to meet up on site. They continued to be of the opinion that condition 5 only applies to screening on the North East Side.
- The balcony size has been increased as the balcony now runs the full width of the south west elevation. Balconies are built as 2.9 m wide rather than 2.0. Approved area of balconies was 34 square metres built size is 63 square metres. This was pointed out to planning who have requested a retro planning application.
- There is a new window in the top floor of the North East elevation. This was pointed out to planning who have advised retro planning application.
- Bedroom 2 is 1.5 meters wider than in the approved plans.
- . To date all deviations from plan have been **spotted by the public not Planning**. Planning were asked to do a full check of the building to ensure that all dimensions had been adhered to. **Planning refused** to do this
- The developers started work on the development in October 2013 nearly 4 months before HS/CD/13/00792 was approved. Trees were removed (before screening conditions were established) and the construction of the new building was quite advanced by the 21/01/2014. Planning did not control this. When pointed out on the 19/05/2014 their response was “[It is, of course, extremely regrettable that the breaches of planning conditions have occurred. However, the matters to which they relate have now been resolved. Accordingly, the Council as Local Planning Authority does not consider it appropriate or proportionate to take enforcement action regarding these matters.](#)” This screening had to be removed to accommodate the larger balconies!

## Actual Build is even Bigger

This is going through retro planning approval

<b>Dimensions (M)</b>	<b>Old</b>	<b>New Approved</b>	<b>Actually Built</b>
GF Width	7.0	9.5 (35%)	.
GF Depth	9.5	10.5 (10%)	.
GF Area	66.5 sq m	100 sq m (50%)	.
Width with balcony	.	10.5 (50%)	11.6 (65%)
Depth with balcony	.	11.4 (20%)	12.4 (30%)
Area with balcony	.	120 sq m (80%)	144 sq m (116%)
Depth of balcony	.	2.0	2.9 (45%)
Height Walls	2.5	5.7	.
Height to roof peak	4.0	5.7 (42%)	.
Vertical wall area	82 sq m	227 sq m (270%)	.
Visible Wall area from Country park	59 sq m	168 sq m (300%)	.
Volume living space	166 cubic m	568 cubic m	.
Volume roof	49 cubic m	0	.
Total Volume	215 cubic m	568 cubic m (260%)	.

That the **retrospective planning application HS/FA/14/00406** was flawed

The application form has the following errors:

The first set of **drawings supplied were inaccurate and did not reflect all the changes made from the approved plans**. Despite a site visit by an officer to check the balconies a document has been put in the public domain which does not reflect the size of the balconies. This document had the following errors:

This drawing marks the revisions made since the approved plans 11/396/1/A and 11/396/2

The following are correctly marked as revisions on the floor plans:

- Ground Floor – Window replacing the French Windows
- First Floor - New Window overlooking Ecclesbourne Glen and Country Park

The following are correctly marked as revisions on the elevation drawings:

- New Windows installed to Overlook Rocklands Park  
(would be more accurate to say to overlook Ecclesbourne Glen and Country Park)
- Window overlooking Hastings Country Park Removed
- Approved French Doors omitted and new windows installed

The following revisions are **not marked** on the floor plans:

- Ground Floor - Window overlooking Hastings Country Park Removed
- Ground Floor –. The SW wall of bedroom 2 is now in alignment with the SW wall of the Master bedroom , occupying 70% of the area marked as terrace on the approved plans. This increases the width of bedroom 2 by 1,65m and increases the footprint of the ground floor by 7.0 sq meters.
- First Floor – The depth of balconies has been increased from 2.0 meters to 2.9 meters

The following revisions are **not shown** on the floor plans:

- First Floor - The balcony now extends the full length of the South West elevation

The following revisions are **not marked** on the elevation drawings:

- South East Elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters
- North East Elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters
- North West Elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters
- South West elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters

The following revisions are **not shown** on the elevation drawings:

- South West Elevation – the balcony now runs the whole length of the SW elevation with 2 additional struts

In addition the drawing still shows trees and hedges shielding the building marked as existing trees and vegetation. This is misleading as all of these trees and shrubbery have been removed during the development. These were removed in breach of condition 5 of hs/fa/12/00952.

**Members of the public cannot judge the application on the drawings supplied**, only those who have visited the site will know of the increased size of balconies and ground floor plan. This seems to me to be a very serious flaw in the planning process.

A **second set of drawings** was submitted on the 21/05/2014. These drawings were submitted to correct errors in the previous set of drawings. This has confused the process and these drawings are **still unclear** and still have the following **errors**:

The following revisions are **not marked** on the floor plans:

- Ground Floor – The SW wall of bedroom 2 is now in alignment with the SW wall of the Master bedroom, occupying 70% of the area marked as terrace on the approved plans. This increases the width of bedroom 2 by 1,65m and increases the footprint of the ground floor by 7.0 sq meters.
- First Floor – The depth of balconies has been increased from 2.0 meters to 2.9 meters

The following revisions are **not marked** on the elevation drawings:

- South East Elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters
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- South West elevation - the balcony overhang is now greater to accommodate the increase in depth from 2.0 to 2.9 meters

The following revisions are **not shown** on the elevation drawings:

- South West Elevation – the balcony now runs the whole length of the SW elevation with 2 additional struts

In addition the drawing still shows trees and hedges shielding the building marked as existing trees and vegetation. This is misleading as all of these trees and shrubbery have been removed during the development. These were removed in breach of condition 5 of hs/fa/12/00952.

In addition the Drawings have Drainage, Parking and Access changes marked as revisions. These changes are not referred to in the text of the retrospective planning application. These changes are all outside of the area of interest marked in the site location plan

#### Drainage Changes

- New proposed drainage connection to existing system
- Rainwater harvesting system to be connected to mains sewerage system as land deemed unsuitable for soak aways.
- Existing FW flow connected to twin pumping system(4300L) with 24 hour backup system connected to existing sewer.

The landslip survey report recommends that drainage is investigated at the new building. All these changes affect drainage and should be investigated. Southern Water should also be consulted to comment on the changes.

#### Parking and Access Changes

- Proposed dedicated parking space
- Proposed area provided for fire emergency service vehicle
- Proposed paving areas serving route from dedicated parking space to building entrance that are not ramps to be laid a maximum gradient no greater than 1:20.

These changes will add further areas of hard standing. It is unclear what materials will be used. The effects of drainage run offs need to be investigated.

The Fire Brigade should be consulted about emergency access. There are accessibility issues with the ramps and building that require further consultation.

The volume of changes applied for retrospectively are significant and are certainly not “minor” changes as described by planning on the retrospective application.

That **consultation to the AONB, Natural England and English Heritage** bodies was flawed because:

- The drawings are incorrect and do not show revisions
- The drawings show screening as existing – it has all been removed
- The application is titled “minor” whilst the changes are significant
- No site visit made by these bodies
- No photos of actual building submitted

That planning have **failed to take any effective enforcement action** against the developers

- Following a subsequent query planning now state that the developers **may be** in breach of condition 5. but do not propose to take any formal enforcement action.
- Planning has proposed that a replanting scheme is agreed between the developer and the Arboriculturalist. It will take many years for the screening to grow back.
- Changes to plan no enforcement action taken.

## Appendix B Planning Application HS/FA/10/00492

This application is significant in that it was approved and gave permission for the bungalow to be enhanced with a roof extension. In reality this was a complete rebuild transforming what was a small non obtrusive building into a large visually intrusive one. This approved application is referred to in the new application and is used as one of the grounds for allowing the new building.

Many of the problems found with the later approval can also be found in this older approval. If anything this earlier application was even more flawed than the one in 2012.

That the documents supplied with HS/FA/10/00492 contained factual errors:

- **Original Application**
  - Incorrectly states that no trees or bushes were on or adjacent to the site.
  - As a consequence no tree survey was carried out.
- **Design statement**
  - Suggests that this is a minor roof alteration when in fact it is build of an entire new first floor.
  - These statements were used uncritically by Planning, High Weald AONB. All made decisions based upon false information namely:
    - The size and impact of the new building was understated
- **Proposed Plans 3647EX, 3318/200EX and 3647-1**

Guidelines for drawings on planning portal state “*All plans and drawings must have a scale bar , key dimensions , direction of north original paper size and scale clearly marked.*”

  - **None show a scale ,dimensions, original paper size and scale** so difficult to assess the size of building.

That the **public notification process** was inadequate:

- Only 4 people on the list.
- There are many residents in Barley Lane that are closer than Rocklands cottage. None were informed.
- No local groups such as the Friends of the Country Park, Hastings Old Town Residents Association were contacted.
- No Departmental heads of HBC informed. HBC owns the Country Park.
- As a consequence no objections were received and the planning decision did not go to the planning board but was delegated to a planning officer.

That the expert opinion sought from the **High Weald AONB** was based on incorrect information and was therefore flawed.

- The AONB opinion is based upon plans that are unscaled and do not specify the dimensions of the new building.
- The AONB opinion is based upon an understanding that existing screening would remain and be increased.
- The new building certainly impacts on the natural beauty of the area as referred to by the AONB. Witness the large areas of vertical walls visible from all over.

That **no expert opinion** was sought from **English Heritage** or a **Heritage statement** sought.

That the **Application did not go before the Planning Board**. This is astounding for such a development in such a sensitive site.

The following areas of the **Delegated Report from Planning** are flawed:

That the **Description** are incorrect:

- Quotes disable access yet has stairs and no lift.

That **consultations** are flawed:

- **High Weald AONB** made a judgement based upon unclear drawings and dimensions and an assumption that screening would be retained..

That the approval based upon the following policies was based upon incorrect information:

**Impact on the AONB/Countryside(L2/L3)**

- The old bungalow was completely invisible from outside of Rocklands. The new proposed building would be very visible from the East Hill and Ecclesbourne Glen.. This is not mentioned anywhere. Instead the changes are stated as being an improvement to the area as the changes make the building appear more *in keeping with the character of the site and wider AONB* and *in keeping with its surroundings*(another building that is barely visible from outside Rocklands).
- The **visual impact** of the new building is very widespread.
  - It would be seen from large areas of the East Hill. The old building was not visible.
  - It would be seen from the memorial bench. The old building was not visible.
  - It would be seen from the slopes of the East Hill leading down to Ecclesbourne. The old building was not visible.
  - It would be seen from many vantage points in Ecclesbourne Glen. The old building was not visible.

The only policies checked during the approval process were DG1,DG3,L2,L3,T6,T7

These policies are breached by the new development.

- DG1 Development Form
- L2 High Weald AONB
- L3 Development outside the Built-Up Area
- T7 Development within caravan sites

That **many relevant policies in the LDP were not taken into consideration** when this Application was accepted and that the development breaches these policies.

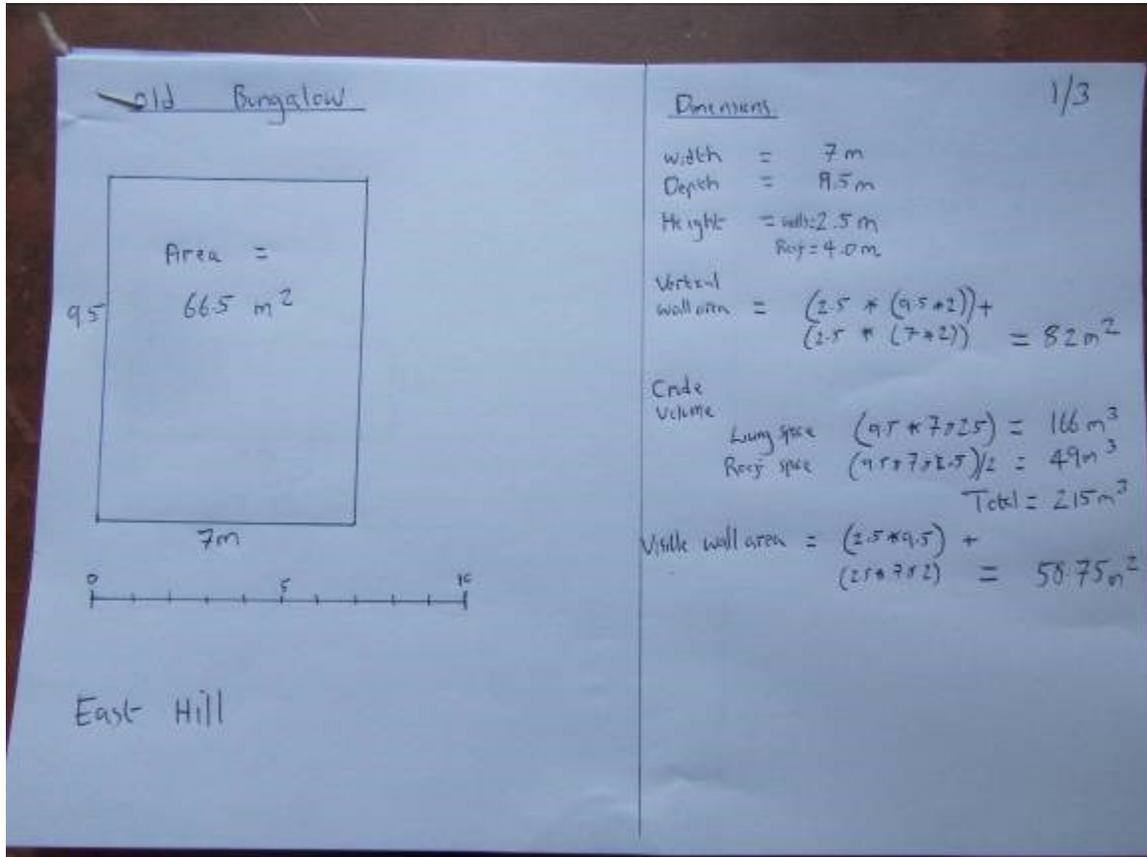
- C1 Development within conservation areas
- C6 Archaeological sites and ancient monuments
- EN1 Build and Historic environment
- EN4 Conservation and enhancement of landscape
- EN1 Build and Historic environment
- EN4 Conservation and enhancement of landscape
- DG7 High or visually prominent buildings
- DG8 Protection of Views
- L7 The undeveloped coast
- NC1 Hastings cliffs special area of conservation
- NC2 Sites of special scientific interest
- NC3 Local Nature Reserves
- NC6 Sites of Nature Conservation Importance
- NC7 The green network
- NC8 General planning requirements
- NC9 Information to accompany planning applications
- NC10 Ancient woodland
- OS1 Protection of Open spaces
- T5 Self catering accomodation
- T6 Caravan and camping sites

That the effects of **light pollution** from the building was not taken into account. It is likely to be detrimental to the environment and wildlife of the country park.

<b>Dimensions (M)</b>	<b>Old Bnglow</b>	<b>New Approved</b>	<b>Approved roof extensions</b>
GF Width	7.0	9.5 (35%)	7.0
GF Depth	9.5	10.5 (10%)	9.5
GF Area	66.5 sq m	100 sq m (50%)	66.5 sq m
Width with balcony	.	10.5 (50%)	8.2
Depth with balcony	.	11.4 (20%)	9.5
Area with balcony	.	120 sq m (80%)	75 sq m
Depth of balcony	.	2.0	1.8
Height Walls	2.5	5.7	5.5
Height to roof peak	4.0	5.7 (42%)	6.3
Vertical wall area	82 sq m	227 sq m (270%)	181.5 sq m
Visible Wall area	59 sq m	168 sq m (300%)	129 sq m
Volume living space	166 cubic m	568 cubic m	365 cubic m
Volume roof	49 cubic m	0	27 cubic m
Total Volume	215 cubic m	568 cubic m (260%)	392 cubic m

## Appendix C Scale drawings of the buildings

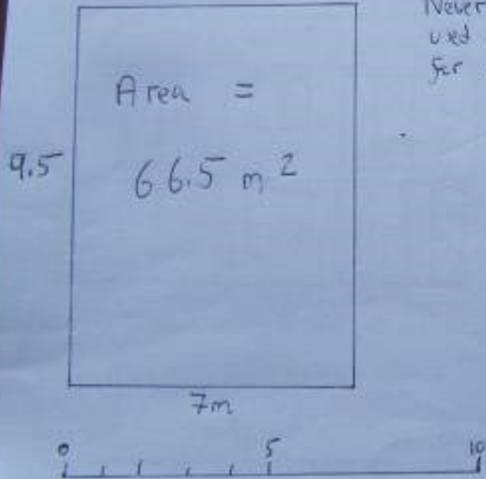
Excuse the crude nature of these plans. I believe that these are the first drawings that actually allow a comparison of the scale of the buildings.



## Dimensions Zero cottage

Built on footprint of old bungalow.

Never built but used as case for new building



Width = 7m  
Depth = 11.2m  
Height =

Walls = 5.5  
Roofline = 6.3

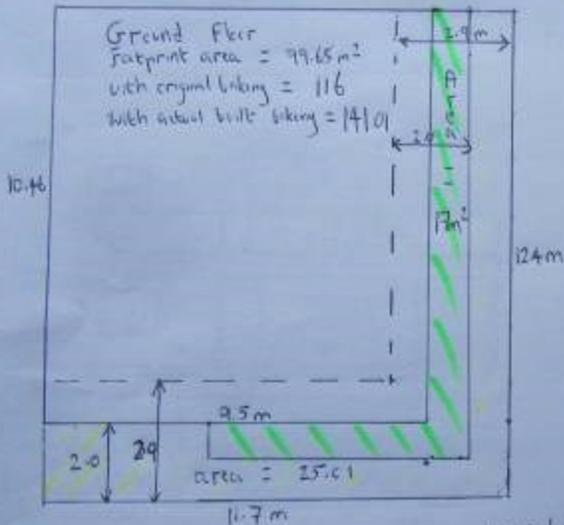
Vertical wall area =  $\left( \frac{5.5 \times 9.5 \times 2}{(5.5 + 7 + 2)} \right) = 181.57$

Crude Volume

Living space  $9.5 \times 7 \times 5.5 = 365$   
Roof space  $(7.7 \times 7 \times 0.7) = 26.6$   
Total = 391.6

Visible wall area =  $\left( \frac{5.5 \times 9.5 \times 1}{(5.5 + 7 + 2)} \right) = 129.1 \text{ m}^2$

## New Building



Ground Floor

East Hill

--- line of building on smaller footprint in original plans  
a) built

## Dimensions

1/3

Footprint (Ground Floor)

width = 9.53 (35' wide)

Depth = 10.46 (10')

FP Approach Balcony

width = 10.5

Depth = 11.4

FP Built Balcony

width = 11.6

Depth = 12.4

Depth of balcony

approach plans = 2.0

built = 2.9

Height = 5.7 (42' higher)

Vertical wall area =  $(2 \times 10.46 \times 5.7) + (10.46 \times 11.6 \times 5.7)$

=  $227 \text{ m}^2$  (270' higher)

Crude Volume =  $10.46 \times 9.53 \times 5.7 = 560 \text{ m}^3$

(200')

approach balcony area =  $34 \text{ m}^2$

built balcony area =  $65.5 \times 9.5 \text{ m}^2$  (80' higher)

Visible wall area =  $\left( \frac{5.7 \times 10.46 \times 1}{(5.7 \times 9.5 \times 2)} \right) +$

$\left( \frac{5.7 \times 9.5 \times 2}{(5.7 \times 7 + 2)} \right) =$

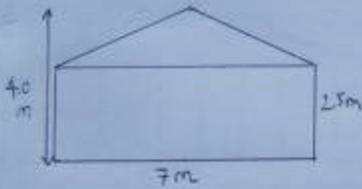
$167.9 \text{ m}^2$

(300')

Notes

2/3

- This building was never seen from the East Hill. Its low profile and good tree shading kept it very discrete



South West Elevation  
(East Hill)



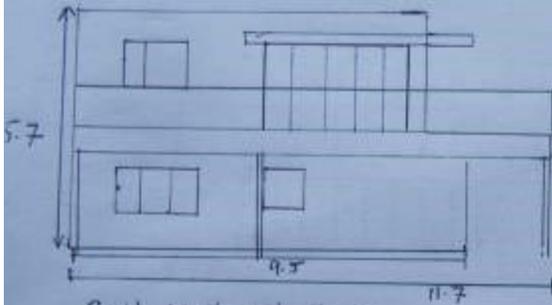
3/



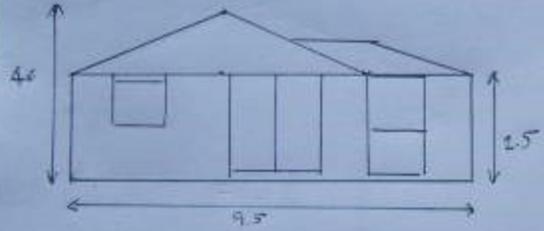
Side Elevation



(30)



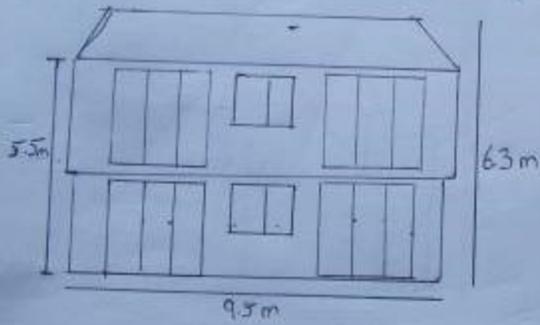
South West Elevation  
(East Hill)



South East Elevation  
(Facing Sea)



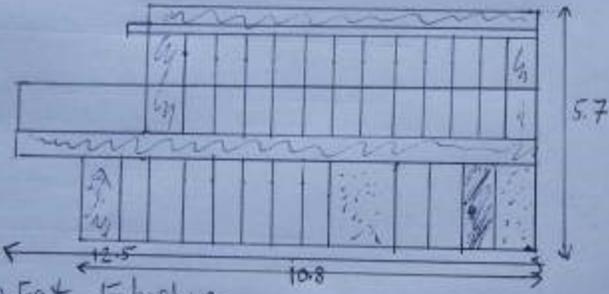
2/



Front Elevation



3/



Side Elevation

