

## **Ecclesbourne Glen Landslip and Rocklands Caravan Park statement: 04 June 2014**

There has been much concern locally about the impact on Ecclesbourne Glen of the devastating landslip earlier this year and about work that has been, and is being, carried out at Rocklands Caravan Park. As a result, Hastings Borough Council commissioned a geotechnical survey from experts Coffey Geotechnics Limited, and this has just been published:

- [Ecclesbourne Glen landslides report \(.pdf 262KB\)](#)
- [Report appendices \(.pdf 278KB\)](#)

The concerns that have been raised are about the landslip and its causes; the new building being erected at Rocklands; the works that have been undertaken over the years at the caravan park in relation to roadways, terracing and caravan bases; the erection of a store building on the caravan site; the drainage of the caravan site; the position regarding trees on the site; and the positioning of caravans on the site.

Other concerns raised are:

- Extended Car Park
- Felling, Lopping and Topping of Trees

**So far as the new building is concerned, it has been alleged that it has not been built in accordance with its planning permission**

The new building does have planning permission, and the proper procedures were followed when it was granted. However, it has become clear that the building is not exactly in line with that permission so the council planners have required Rocklands to submit an amendment requesting permission for the enlargement of a balcony and the repositioning of a window. This has generated a substantial number of objections and so will be considered by our planning committee shortly.

This is not an “allegation” it would be more accurate to say that  
**“ The new building has not been built in accordance with planning permission and in breach of planning conditions”**

The new building does have planning permission, and the proper procedures were followed when it was granted

There are very strong reasons for concern about whether proper procedures have been followed:

Please see **Appendix A** for details.

However, it has become clear that the building is not exactly in line with that permission so the council planners have required Rocklands to submit an amendment requesting permission for the enlargement of a balcony and the repositioning of a window.

When deviations from original approved plans were pointed out to HBC planners by members of the public Planning invited Rocklands to apply for retrospective planning permission. No enforcement action was taken. Planning did not find any deviations themselves and despite being requested to re-measure the dimensions of the building to ensure compliance have refused to do so stating that the “building is within reasonable tolerances”.

The deviations from plan are far more significant than just not being “exactly in line” far more has changed than just a balcony and window. The changes comprise the following:

- Balconies have been increased in depth from 2.0 to 2.9 meters
- Balconies are longer on the East Hill side and now run the entire length with 2 additional stanchions
- Balcony area has increased.
- Ground Floor Bedroom 2 has been extended by 1.65meters and occupies most of the area marked as terrace.
- Ground Floor Area is larger by 7.0 sq meters
- Footprint with balconies has increased from 120 sq meters to 144 sq meters.
- New Window installed on first floor overlooking Ecclesbourne Glen
- Window on ground floor overlooking East Hill removed
- Approved French Doors replaced with window.

There is a suspicion that the **South East elevation is wider** than approved plans by up to 1 meter. Planning has refused to re-measure this.

In addition the latest plans 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.

In addition Rocklands are in breach of planning Condition 5 concerning screening. This condition stipulates that Rocklands must increase screening around the building. Not only did Rocklands breach this condition by removing all screening they did it a good 3 months before planning permission was granted. Planning had the opportunity to take robust enforcement action at this time but chose to do nothing.

They are also in breach of previous planning conditions that prevent the removals of trees. Trees have been removed from around the new building.

A screening plan has been proposed by Rocklands. This plan is totally inadequate. They have planted some 80cm holly bushes that will never grow large enough to screen the building. Because this plan is voluntary it cannot be enforced by planning if Rocklands don't conform to it.

**It has been alleged that over a long period of time work has been carried out on the site including the creation of hard surfaced areas for car parking, and access roads, and ground works to create terracing and the provision of bases for caravans**

Planning legislation permits development that is required by a licensed caravan site without the need for a separate planning application. In this case the site is licensed by Hastings Borough Council and the licence includes requirements to provide suitable access arrangements and other development on the site. The works to create car parks, roads and caravan bases would therefore be permitted.

This is not an allegation but an observable statement of fact. The title would better read as **“Over a long period of time Rocklands have carried out work on the site including the creation of hard surfaced areas for car parking, access roads, ground works, terracing and the provision of bases for caravans”**

Planning legislation permits development that is required by a licensed caravan site without the need for a separate planning application. In this case the site is licensed by Hastings Borough Council and the licence includes requirements to provide suitable access arrangements and other development on the site. The works to create car parks, roads and caravan bases would therefore be permitted.

It is questionable whether the terms of the caravan site licence allow the owners to develop without seeking planning permission.

Under certain conditions site owners can develop without seeking planning permission using Extended/Permitted Development rights.

It is believed that Extended/Permitted development rights are not applicable in an AONB.

In addition it is believed that the building of hard surfacing (such as roads and car parks) is allowed under Extended/Permitted development only if the surface is permeable to prevent run offs. The hard surfacing at Rocklands is concrete without any known drainage.

We are investigating this further.

However it is certain that Rocklands are not allowed to breach previous planning conditions which prevented such developments on the lower slopes.

Condition 4 of the 1978 planning permission states

**4. No trees on the site shall be lopped, topped or felled without the prior written consent of the District Planning Authority.**

Condition 7 of the 1978 planning permission states

**7. The play and amenity area referred to in Condition 3 will not be used at any time for the stationing of caravans or cars or the pitching of tents.**

All of these developments were in breach of these planning conditions. In order to build them Rocklands would have needed to make an application to override these conditions. This was not done.

- The caravan bases were built in an area designated as an amenity area. Previous planning conditions explicitly state that caravans cannot be installed there.
- Roads were built in the amenity area.
- The car park and road extensions have involved the removal of trees. Trees are protected under previous planning conditions. Therefore the building of these extension does breach planning conditions.
- Parts of the car park are believed to be in the amenity area and are therefore in breach of conditions.

None of these issues were spotted by planning. It was members of the public that brought these matters to the attention of planning.

Planning have acknowledged that the building of roads without adequate drainage is a breach of the caravan site licence and this is under investigation by Planning. It is suspected that the works at Rocklands also contravene other conditions of the licence.

**There is a requirement in the license that the hard surfaced areas be properly drained, but this does not appear to be the case**

The issue of drainage of the hard surfaced areas is being investigated.

Rocklands have breached their licence conditions by building these roads without proper drainage. The Rocklands site is inspected annually by HBC yet they did not notice these new car parks and roads being built.

Planning did not detect these problems. It was members of the public that brought these matters to the attention of planning.

## **It has also been said that a storage building has been erected on the site without planning permission**

This is correct. The owners will now be required to seek planning permission to keep the building. As with all planning applications this will have to be considered on its merits. If permission is refused, the Council could then take enforcement action.

Not only has it been said but it has actually been built.

A more accurate title would be:

**“Rocklands have built a storage building without permission”**

Again this was pointed out by members of the public.

Again Retrospective planning permission will be sought.

## **It has been alleged that the caravans do not have proper drainage facilities, particularly those at the lower level affected by the landslip**

There is no obvious evidence to indicate that any pipes are leaking, the drains on the lower area run along the back and do not appear to have been affected by the land movement. There is no evidence to indicate that the caravan site has any problems with the disposal of sewage, although there does not appear to be any surface water management in place and this is being investigated.

It is premature to reach this conclusion.

The landslip survey recommends that drainage is investigated

*In addition, investigations should be carried out to determine the location and condition of all surface and sub-surface drainage systems and fresh water services within the caravan park and (if any) extending into the study area.*

*Furthermore, it is recommended that no further earthworks or drainage are undertaken within the caravan park, without their potential effects on slope stability being assessed in advance.*

*The layout of the caravan park should also be reviewed and subjected to further assessment, in relation to long-term slope stability and risk mitigation. .*

In conclusion the landslip report states:

*It is also imperative that further investigations should be undertaken in full co-operation with the owners/ management of the Rocklands caravan park, to manage adverse impacts upon the SSSI and SAC. To this end, details of the existing drainage systems and freshwater supplies at the caravan park need to be investigated and determined.*

## Concerns have been raised because trees have been removed from the caravan park, contrary to planning conditions

The trees on the site are not protected by a tree preservation order and they are not in a conservation area. However, unusually, the conditions attached to the planning permissions, granted forty years ago, prevent any works ever being done to any trees on the site without written approval of the Council (these conditions normally only apply for a set period, say five years). Forty years on it is impossible to say reliably what trees from that period may or may not have been removed. A number of trees were lost in the recent landslip and it would not be appropriate to undertake tree planting on the lower, unstable, part of the site, because the earth is still liable to move. The landslip has meant that the lower part of the caravan park will be more visible for the foreseeable future. The site owners have been asked to prepare a landscaping scheme for the site to provide adequate screening again.

This would better be stated as:

**“Rocklands have removed trees from the caravan park contrary to planning conditions.”**

The trees on the site are not protected by a tree preservation order and they are not in a conservation area. However, unusually, the conditions attached to the planning permissions, granted forty years ago, prevent any works ever being done to any trees on the site without written approval of the Council (these conditions normally only apply for a set period, say five years).

The conditions that prevent any work being done on trees date from 1978. Planning conditions remain in place until they are removed by a new planning application. The age of the conditions is irrelevant. Condition 4 of the 1978 planning permission states

**4. No trees on the site shall be lopped, topped or felled without the prior written consent of the District Planning Authority.**

Members of the public and Amber Rudd our MP have been reporting tree removals to planning since at least August 2010. Planning were unaware of the planning conditions and constantly replied that there were no restrictions on tree removals. As a consequence lots of trees were removed over the next 3 years or more. Fifteen minutes of research on the planning web site was sufficient to find the relevant planning conditions that prevent tree removals

As planning thought there was no protection of trees within the envelope of the Country Park then a tree survey should have been undertaken as soon as this was realised and Tree Preservation Orders should have been issued.

Country Park Management and the Rangers do not appear to have noticed or reported any tree removals.

Forty years on it is impossible to say reliably what trees from that period may or may not have been removed.

Screening by trees remained in place from 1978 to about 2005. Very few trees were removed in the first 27 years. Most trees have been removed since 2005. There are Google Earth photos and other photos that will confirm this. Eye witness accounts from the public also confirm this. If planning had followed up on public reports and made a site visit then physical evidence of tree removals would certainly have been found.

Google Earth photos in combination with the national tree database and other photographic sources allow tree removal to be accurately plotted from 2009 onwards. Using these sources we have been able to identify a large number of trees that have been removed. This data has been offered to planning. To date this has not been accepted as evidence by planning.

In addition there is physical evidence of tree removals on site such as tree stumps. These have been pointed out and are known to planning.

Planning conditions also prevent lopping and topping of trees on the site. There are many examples of lopped and topped trees on the site.

A number of trees were lost in the recent landslide and it would not be appropriate to undertake tree planting on the lower, unstable, part of the site, because the earth is still liable to move.

A few trees growing in Rocklands were lost in the landslide. Most of the trees removed inside the grounds of Rocklands were removed by deliberate felling. Sadly many more trees have been lost in the country park as a consequence of the landslide.

Many people believe that the removal of trees is one of the causes of the landslide. This was not included as part of the remit when the landslide survey was commissioned.

The landslide has meant that the lower part of the caravan park will be more visible for the foreseeable future.

The lower part of the caravan site was fully visible well before the landslide. This was caused by the large scale removal of trees and shrubs from the area in front of the 8 unauthorised caravans. It is believed these clearances were done in order to install a further row of unauthorized caravans.

The site owners have been asked to prepare a landscaping scheme for the site to provide adequate screening again.

It is believed that this planting scheme is voluntary. If it is not backed by enforcement action then it is inadequate. Any planting scheme must be based upon a replacement like for like with mature trees.

Tree preservation orders should be placed on every tree within Rocklands to afford them the greater protection that TPOs give.

## **It has been alleged that eight caravans have been sited on the lower part of the site without the necessary planning permission**

This is correct. The secluded location of the site means we have only recently become aware of these caravans. The landslip has left the lower part of the site unsafe and the caravans are currently in the process of being moved, so it will not be necessary to take any further action. It is the lower part of the caravan park that has become exposed as a result of the landslip, the upper part of the site is still quite well screened. ♦ When the caravans are removed from the lower park of the site the caravan park will be much less visible from the Country Park.

Again not an allegation but a statement of fact. It would read better as **“Rocklands have installed 8 caravans on the lower part of the site without the necessary planning permission and in breach of previous planning conditions”**

The area where the 8 caravans have been installed was a designated amenity area and previous planning conditions specifically prevented the placing of caravans there. To override this condition Rocklands should have sought planning permission for this, they did not.

The secluded location of the site means we have only recently become aware of these caravans.

Caravans have been fully visible from across Ecclesbourne Glen for several years. The Rockland site is inspected annually for license purposes. It is hard to understand how the annual inspection did not spot these caravans. The Country Park Rangers and Management also failed to spot the caravans.

Planning did not discover this issue. This issue was reported to Planning by members of the public

The landslip has left the lower part of the site unsafe and the caravans are currently in the process of being moved, so it will not be necessary to take any further action.

Some of these caravans were still occupied a few weeks ago. The reference to further action is unnecessary given that no action was taken in the first place.

It is the lower part of the caravan park that has become exposed as a result of the landslip, the upper part of the site is still quite well screened.

The landslip did not expose the lower part of the caravan park. This was done by Rocklands with their programme of tree removals and construction of terraces.

The Upper part of the caravan park is far more visible than a few years ago. This is due to a programme of removals, thinning, lopping and topping along the southern and eastern peripheries and within the caravan park on the trees directly behind the unauthorized caravans. Trees have also been removed around the old house and of course around the new building.

When the caravans are removed from the lower park of the site the caravan park will be much less visible from the Country Park.

The caravans that are removed will of course stop being visible from the country park. What will be left is an area devoid of life and with a substantial landslip in it.

The rest of the caravan site will remain horribly visible, New building , old house apartments, store house, car parks, roads and the caravans on the top level have all had screening removed.

## **This leaves the most serious allegation, that the developments undertaken on the caravan site, and the removal of trees, led directly or indirectly to the landslip in the glen**

The engineers report commissioned by the Council is clear that the very wet meteorological conditions of the recent winters are most likely to have instigated the initial movement of the major landslip. Indeed the report believes that the landslip began in the Country Park and then extended up into the caravan park. The report judges that the development of the new build is very unlikely to have contributed to the land instability. However, the lack of a surface water management system will be investigated further.

This is an extremely simplistic interpretation of what is a complex report.

The report barely mentions the developments in Rocklands and tree removals. It does not mention the first landslip which occurred in Rocklands in early 2013. This first landslip was near the end of the road. This is because they were not included in the remit defined by HBC.

We have not had the time to analyse the Landslip report in detail. This will be done in another document.

The engineers report commissioned by the Council is clear that the very wet meteorological conditions of the recent winters are most likely to have instigated the initial movement of the major landslip

Clearly if it had not rained there would have been no landslip. What needs to be explained is why this is the only serious landslip in the whole of the country park. Run offs from the vastly increased surface areas of car parks and roads would have diverted large amounts of water to the end of the road at the very same spot where the first landslip in 2013 took place.

Indeed the report believes that the landslip began in the Country Park and then extended up into the caravan park.

The report states that the landslip started in the Country Park and then moved upwards retrogressively into Rocklands. This does not mean that the developments in Rocklands were not a factor. The vastly increased run offs from car parks and roads are all channeled into a spot at the end of the road. Complex Retrogressive landslips move in both directions.

The report judges that the development of the new build is very unlikely to have contributed to the land instability

The reference to the new build is irrelevant and a diversion as nobody alleges this to be a factor.

However, the lack of a surface water management system will be investigated further.

The report makes the following recommendations regarding Rocklands:

*In addition, the caravans within the lowest terrace of the caravan park (i.e. close to the current back-scarp) are also currently at risk and should not be occupied; it is recommended that these are removed from the terrace completely, as soon as possible. They should be relocated elsewhere in a more stable part of the caravan park.*

*In addition, investigations should be carried out to determine the location and condition of all surface and sub-surface drainage systems and fresh water services within the caravan park and (if any) extending into the study area.*

*Furthermore, it is recommended that no further earthworks or drainage are undertaken within the caravan park, without their potential effects on slope stability being assessed in advance.*

*The layout of the caravan park should also be reviewed and subjected to further assessment, in relation to long-term slope stability and risk mitigation. .*

In conclusion it states:

*It is also imperative that further investigations should be undertaken in full co-operation with the owners/ management of the Rocklands caravan park, to manage adverse impacts upon the SSSI and SAC. To this end, details of the existing drainage systems and freshwater supplies at the caravan park need to be investigated and determined.*

## Appendix A – Flaws in the Planning Process.

That the documents supplied with HS/FA/12/000952 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
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 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 accommodation
- 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:

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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.