

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 10 November 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Rose Cottage, 4 Gillsmans Hill, St Leonards-on-sea**

**Proposal:** **Installation of new floor to existing basement store.**

**Application No:** **HS/LB/21/00664**

**Recommendation:** **Grant Listed Building Consent**

Ward: SILVERHILL 2018  
Conservation Area: Yes - Springfield Road  
Listed Building: Grade II

Applicant: Cochrane Design Ltd per Pump House Designs  
Pump House Yard The Green Sedlescombe,  
East Sussex. TN33 0QA

**Public Consultation**

|                                  |                                 |
|----------------------------------|---------------------------------|
| Site notice:                     | Yes                             |
| Press advertisement:             | Yes - Affects a Listed Building |
| Neighbour Letters:               | No                              |
| People objecting:                | 6                               |
| Petitions of objection received: | 1                               |
| People in support:               | 0                               |
| Petitions of support received:   | 0                               |
| Neutral comments received:       | 0                               |

Application status: Not delegated - Petition received

## 1. Site and surrounding area

Rose Cottage is located at the Eastern end of Gillsmans Hill and is in the immediate vicinity of The Green/Springfield Road junction. It is surrounded by buildings of various ages including the Grade II listed Chieveley Cottages and the Edwardian 'Olive Lodge'.

The cottage is a 2 storey construction with a small basement. It is of masonry construction to 1st floor level with a rendered finish. From 1st Floor level to the eaves the building is clad with weather boarding. The windows are traditional timber sliding sash windows. The roof is of a slate finish with a hip on the eastern end.

Of particular note is the buildings to the rear of the cottage, that are of the same period of the cottage (late 18th or early 19th Century). These buildings, which surround a rear court yard have clear evidence of agricultural or light industrial use. Considering surrounding buildings are of a later period it is reasonable to suspect that Rose Cottage may have been a farm house or farmstead, though further research would be required to confirm this.

### Constraints

Conservation Area  
Grade II Listed Building  
SSSI Impact Risk Zone

### Listing Details

GILLSMAN'S HILL 1. 5204 (North Side) Rose Cottage TQ 7910 16/595 II 2. Early C19. 2 storeys. Ground floor stuccoed. 1st floor weatherboarded. Slate hipped roof. 2 windows, sashes with vertical glazing bars. Central flush-panelled door with plain rectangular fanlight and modern rustic wood open porch. Long weather- boarded wing at rear with sash windows.

Listing NGR: TQ7958410208

## **2. Proposed development**

The proposal seeks Listed Building Consent to install a new floor in the basement area of the building consisting of a limecrete and brick slip finish.

The application is supported by the following documents:

HER Report  
Heritage Statement  
Design and Access Statement  
Title Plans

### **Relevant planning history**

|                        |  |
|------------------------|--|
| <b>Application No.</b> | HS/CC/95/00421   |
| <b>Description</b>     | IMPROVEMENT OF GILLSMANS HILL BETWEEN HARLEY SHUTE ROAD AND SEDLESCOMBE ROAD SOUTH (CC/1684) |
| <b>Decision</b>        | Permission with conditions on 05/10/95   |

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|------------------------|---|
| <b>Application No.</b> | HS/FA/19/00119  |
| <b>Description</b>     | Conversion of wing at rear of Rose Cottage into 2no. dwellinghouses |
| <b>Decision</b>        | Withdrawn on 23/05/19   |

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|------------------------|---|
| <b>Application No.</b> | HS/LB/19/00120  |
| <b>Description</b>     | Conversion of wing at rear of Rose Cottage into 2no. dwellinghouses |

|                        |   |
|------------------------|---|
| <b>Decision</b>        | Withdrawn on 28/05/19   |
| <b>Application No.</b> | HS/LB/18/01110  |
| <b>Description</b>     | Ground floor bathroom extension and repair of building to create a 3 bed cottage (amended description)  |
| <b>Decision</b>        | Listed Building Consent with Conditions on 15/11/19   |
| <b>Application No.</b> | HS/CD/19/00944  |
| <b>Description</b>     | Discharge of condition 4 (rainwater goods) of Listed Building Consent HS/FA/18/01110  |
| <b>Decision</b>        | Permission with conditions on 09/12/19  |
| <b>Application No.</b> | HS/LB/19/00756  |
| <b>Description</b>     | Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings  |
| <b>Decision</b>        | Listed Building Consent with Conditions on 17/12/19   |
| <b>Application No.</b> | HS/FA/19/00755  |
| <b>Description</b>     | Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings  |
| <b>Decision</b>        | Permission with conditions on 19/12/19  |
| <b>Application No.</b> | HS/LB/20/00077  |
| <b>Description</b>     | Installation of wall insulation to approved building, following grant of listed building consent HS/LB/19/00756 (Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings)  |
| <b>Decision</b>        | Listed Building Consent with Conditions on 27/04/20   |
| <b>Application No.</b> | HS/LB/20/00078  |
| <b>Description</b>     | Installation of wall insulation to existing building, in addition to the refurbishment works granted under listed building consent HS/LB/18/01110 - (Ground floor bathroom extension and repair of building to create a 3 bed cottage)  |
| <b>Decision</b>        | Listed Building Consent with Conditions on 27/04/20   |
| <b>Application No.</b> | HS/CD/20/00831  |
| <b>Description</b>     | Discharge of condition 5 (materials) of Listed Building Consent HS/LB/18/01110 - Ground floor bathroom extension and repair of building to create a 3 bed cottage   |
| <b>Decision</b>        | Permission with conditions on 26/04/21  |
| <b>Application No.</b> | HS/LB/21/00061  |
| <b>Description</b>     | Re-positioned staircase and internal walls. Alterations to rear fenestration layout. (Alteration to layout approved under HS/LB/19/00756 and HS/LB/20/00077) (amended description)  |
| <b>Decision</b>        | Listed Building Consent with Conditions on 14/05/21   |
| <b>Application No.</b> | HS/FA/21/00062  |
| <b>Description</b>     | Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00755 (Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings) Amendment to layout and repositioned stairs to provide two fire exits from lobby. Alterations to rear fenestration layout. (amended description) |
| <b>Decision</b>        | Permission with conditions on 08/07/21  |

## **National and local policies**

Hastings Local Plan – Planning Strategy 2014  
Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015  
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

### Other policies/guidance

National Design Guide 2019

Historic England – Conservation Principles (2008)

### National Planning Policy Framework (NPPF)

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 126 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 194 (of Section 16. "Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 198 states that in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **3. Consultation comments**

Conservation Officer - **not required. The Planning Officer is also a Conservation Officer (dual role)**

County Archaeology - **No Objection. Not believed that any significant archaeological remains will be affected.**

### **4. Representations**

In respect of this application a site notice was displayed outside and an advert placed in the local paper. 6 Objections from 6 different addresses, and a petition were made to the council.

The objections cite numerous grounds for refusing Listed Building Consent including:

- land ownership
- loss of wildlife and trees
- fitness of applicant
- conduct of the council
- breaches of listed building consent
- no ecology

These grounds for objection shall be discussed in the determining issues.

## 5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

The main issue for consideration is whether the proposal will cause harm to the Grade II Listed Building.

### a) Background

The application site was part of a Compulsory Purchase Order in the 1990's when East Sussex County Council intended to carry out a major road project through the land to the north of Gillsmans Hill.

The road project was abandoned relatively recently and Rose Cottage returned to private ownership. Since then, various Planning Permission and Listed Building Consent applications have been granted to allow the development of the site to form 3 cottages.

Following the granting of planning permission several complaints regarding breaches of Listed Building Consent, and land ownership disputes have been made to the Council.

In respect of breaches of Listed Building Consent, the Enforcement Team are investigating the claims, and have written to the owners of Rose Cottage. The investigation is ongoing, and with reference to this particular application, the objections made regarding alleged breaches of planning control are not suitable grounds to refuse Listed Building Consent.

In respect of land ownership, it is a requirement for all applicants to either confirm they are the only party with an interest in a property or, to give notice (Certificate B) to other parties who have an ownership interest in the land of the proposed works. The area that is subject to any application is shown by a red outline on a site location plan. In this case, some of the objections cite that the red line is incorrect and that a Certificate B notice should have been issued to those other parties with an ownership interest in the land.

The Council requires all applicants to provide correct details when making an application. However, in light of the concerns raised regarding land ownership within the red line, Land Registry title plans have been obtained so that a comparison can be made between the red line drawing and the title plan. This comparison makes clear that the correct certificate (Certificate A) has been signed and that there are no other parties that have an ownership interest in the land, beyond that of the applicant. It should be noted that no evidence to the contrary has actually been presented by the objector. Therefore, the application and Certificate A (sole interest declaration) has been completed and submitted correctly and the planning application is valid in this respect. Based upon these details the Council has sufficient detail to carry out its statutory function as the Local Planning Authority in assessing the planning application.

The dispute regarding land ownership is considered a private matter and is not a valid point of objection in the case of this application.

b) Heritage

The proposal seeks consent to finish the floor in the basement area to create a usable clean space that could be utilised for various uses such as an internal workspace.

The proposed materials of limecrete floor and brick slips will allow breathability and cause no harm to the heritage asset. However, it is noted that the site is within an archaeological notification area and as such it is considered prudent that archaeological consultation was carried out. The consultation resulted in no concerns regarding this issue.

It is considered that a condition should be applied to ensure the quality and appearance of the final floor finish is acceptable and as such, Condition 3 has been applied.

The proposal will increase the viability of the basement as a usable space and will not cause significant harm. Therefore the proposal satisfies Policy HN1 of the Hastings Development Management Plan by way of enhancement as a family home.

c) Other matters

Other objections made refer to whether the applicant is fit to deal with a heritage asset, lack of ecology consultation, loss of wildlife, and loss of trees subject to tree preservation orders.

In respect of whether a person is fit to be involved in a heritage asset, this is not a requirement for either owning or applying to carry out works to a heritage asset. Breaches of the Planning (Listed Buildings and Conservation Areas) Act 1990 are in some areas, a criminal offence, that can be punishable by fines and/or imprisonment. The council also has other powers that could result in the ownership of the property being lost. But these powers are only used in exceptional circumstances. In respect of this application only, there are no grounds for taking enforcement action.

In respect of ecology, there are no constraints on the site that makes it a requirement to consult ecology. The designation as being within a conservation area solely refers to conservation of built heritage rather than wildlife. Therefore in respect of this, it is considered that the Council have conducted the assessment of the case correctly.

In respect of the potential for breaches of Tree Preservation Orders, the Councils Planning Enforcement Team is investigating

## 6. Conclusion

Although objections have been made, they are not considered to be specific to this application which is for a new floor in a basement. An application such as this is not a place for complaints regarding existing developments or contraventions of planning or listed building regulations.

Those issues should be raised through our Planning Enforcement Team and Hastings Borough Council shall act accordingly.

In respect of this case, the proposal satisfies Policy HN1 of the Hastings Development Management Plan in terms of demonstrating how the chosen scheme will sustain and enhance the heritage asset.

These proposals comply with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **7. Recommendation**

### **Grant Listed Building Consent subject to the following conditions:**

1. The works hereby permitted shall be carried out in accordance with the following approved plans:  
  
5881/LBP 5881/19/5
2. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
3. Prior to installation, a sample of the floor finish (either cobble or brick slip) shall be submitted to the Local Planning Authority for approval in writing. Once approved the works will be carried out utilising the approved floor finish and retained as such thereafter.

### **Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To ensure the floor finish is reflective of the character and appearance of a Grade II Listed Building.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.

2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 16 applies. The works proposed will not harm the designated heritage asset.

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### **Officer to Contact**

Mr Simon Richard, Telephone 01424 783320

### **Background Papers**

Application No: HS/LB/21/00664 including all letters and documents