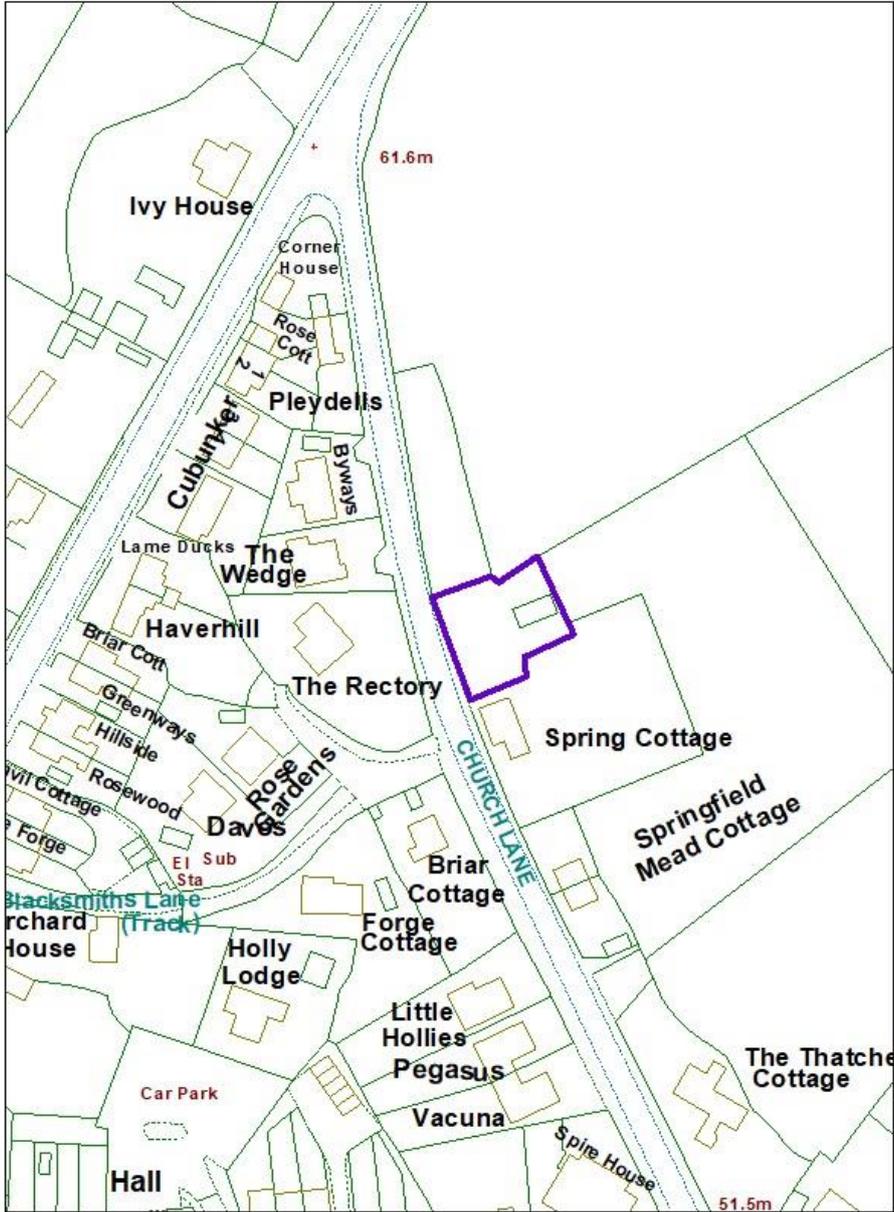


SITE PLAN	CATSFIELD
RR/2019/1672/P	Spring Cottage, Church Lane.



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Rother District Council

Report to - Planning Committee
Date - 12 September 2019
Report of the - Executive Director
Subject - Application RR/2019/1672/P
Address - Spring Cottage, Church Lane, CATSFIELD
Proposal - Proposed new detached dwelling – alternative to RR/2018/2491/P

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED:** To **GRANT (FULL PLANNING)**

Head of Service: Tim Hickling

Applicant: Mr S. Lavocah
Agent: Baker Architectural Limited
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: CATSFIELD
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: The applicant is a member of staff

Statutory 8 week date: 6 September 2019
Extension of time agreed to: 16 September 2019

1.0 SUMMMARY

- 1.1 At the Planning Committee meeting on 14 February 2019 planning permission was granted for the erection of a detached two storey, four-bedroom house on land comprising part of the side garden to Spring Cottage and land to the rear, which presently comprises a hay store and stables. This has not been implemented.
- 1.2 A revised application proposal incorporating a smaller application site (as denoted by the red line on the site plan) was subsequently refused planning permission in June 2019, on the grounds that the size and quality of the garden (curtilage) would result in an inadequate level of private outdoor amenity space provision.
- 1.3 This current application is a further revised proposal. It improves on the size of the application site from that put forward in the last refusal, although it does not quite extend to the area contained in the original permission.
- 1.4 The general design and form of the dwelling itself remains much the same, although the attached side garage has now been deleted. The internal layout

has also been revised. Additionally, plain clay roof tiles are now proposed as opposed to artificial roof slates.

2.0 SITE

- 2.1 Spring Cottage is a detached two storey dwelling (incorporating rendered grey walls and a slate roof) fronting the eastern side of Church Lane. The house and immediate garden are located within the development boundary for Catsfield; however, the application site, which is located to the side of the dwelling, abuts but falls outside the development boundary. The application site also fronts Church Lane and is roughly rectangular, being approximately 20.5m wide x 24.5m deep at its maximum dimensions. It is a very steeply sloping site with a difference of some 3.7m in site levels indicated on the plans between the high ground forming the rear part of the site and road level. The high ground at the rear presently contains two timber buildings in use as a stable and a hay store. The application site largely comprises grassland. A number of trees appear to have been removed.
- 2.2 The application site also falls outside the designated High Weald Area of Outstanding Natural Beauty (AONB), the boundary of which closely abuts the rear boundary of the site. It washes over the fields beyond.
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3.0 PROPOSAL

- 3.1 The proposal is to erect a detached two storey, four-bedroom house on the site. External materials are described as brickwork walls and plain clay roof tiles. A new access would be formed and two in-tandem parking spaces would be provided at the side of the new dwelling. An adjacent access and two parking spaces would remain to serve Spring Cottage.
- 3.2 The development involves considerable excavations into the existing grass bank to create a level base for the dwelling and the creation of retaining walls and terraced garden areas to the rear and sides of the proposed new dwelling.
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4.0 HISTORY

- 4.1 RR/2018/2491/P Erection of 1 No. detached dwelling. Also, formation of vehicular field access - approved conditional – not implemented.
- 4.2 RR/2019/1125/P Proposed new detached dwelling alternative to RR/2018/2491/P, with reduced site area – refused.
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5.0 POLICIES

- 5.1 The following ‘saved’ policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:
- DC3: Development boundaries

5.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- PC1: Presumption in favour of sustainable development
- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- EN3: Design quality
- TR3: Access and new development
- TR4: Car parking

5.3 The following policies of the emerging [Development and Site Allocations Local Plan](#) (currently under examination with current consultation on main modifications ending on 10 September 2019) are relevant to the proposal:

- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DHG11: Boundary treatments
- DHG12: Accesses and drives
- DEN5: Sustainable drainage

5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations; including the following parts of the National Planning Policy Framework:

- Paragraph 11: the presumption in favour of sustainable development
- Paragraph 38: decision-making
- Paragraph 47: determining applications
- Paragraph 70: development of residential gardens
- Paragraphs 102-103: promoting sustainable transport
- Paragraphs 117-118: require that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses
- Section 12: achieving well-designed places

6.0 CONSULTATIONS

6.1 Planning notice

6.1.1 No comments received.

6.2 Town/Parish Council - **GENERAL COMMENT**

6.2.1 Catsfield Parish Council is concerned about the limited parking and congestion in Church Lane.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £29,520.00.
- 7.2 The proposal is one that would provide New Homes Bonus (NHB) (subject to review by the Government). If NHB were paid it could, assuming a Band D property, be approximately £6,684 over four years.
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8.0 APPRAISAL

- 8.1 Planning permission has recently been granted for the erection of a new dwelling in this location (RR/2018/2491/P). The current application is a revised proposal and the main changes relate to the site area and the design of the dwelling.
- 8.2 There have been a total of three applications for a new dwelling on the site. The first, RR/2018/2491/P above, was granted but not implemented. A subsequent application (RR/2019/1125/P) sought minor design changes to the proposed dwelling, but also a significant reduction in the red line denoting the application site (and accordingly, the extent of the residential curtilage with the new dwelling). This second application was refused on the grounds (briefly) that the limited size of the residential curtilage, compounded by the variations in ground levels, would result in an inadequate area of private outdoor amenity space provision. This current application now before you is a further revised proposal. It improves on the size of the application site from that put forward in the last refusal, although it does not quite extend to the area contained in the original permission. It also incorporates the deletion of a side garage with room over and other minor changes to the design of the dwelling.
- 8.3 A main issue for consideration is whether the area of the application site would result in an adequate level of outdoor space being provided, and whether this would provide a satisfactory quality of amenity area to meet the reasonable needs of future occupiers of the dwelling.
- 8.4 Policy OSS4 (i) of the Council's adopted Core Strategy requires that all development should meet the needs of future occupiers, including providing appropriate amenities. In the case of new residential developments this would include the requirement that the quality of the associated residential curtilage would be such, so as to be usable and effectively meet the day-to-day living requirements of the occupants, which may include: parking, garden storage, cycle storage, refuse and recycling, laundry drying area, and adequate play area for children in the case of a family dwelling (considered to be dwellings with two or more bedrooms, as is the case here). Policy DHG7 of the submissions version of the DaSA Local Plan requires new dwellings to normally have rear garden spaces of at least 10m in length. Whilst this is emerging policy, as a submitted Local Plan that has gone through examination, there is now some weight to be given to the DaSA in determining applications - especially in terms of paragraph 50 of the National Planning Policy Framework. The main focus of Policy DHG7 is to ensure residential

developments are capable of accommodating the reasonable expectations of occupiers, including sufficient usable external amenity space (in accordance with the Rother Local Plan Core Strategy Policy OSS4 (i)).

- 8.5 The distance between the back wall of the new dwelling and the rear boundary would be about 15.5m, which is about the same distance as that proposed in the previously approved application. Overall, the extent of the residential curtilage with the new dwelling would be acceptable when assessed against the afore-mentioned policies. Moreover, the general design and form of the dwelling itself remains much the same, although the attached side garage has now been deleted. The internal layout has also been revised, as have the roof materials.
- 8.6 The general comment made by the Parish Council is noted; however, planning permission has already been granted for a new dwelling on the site. The scheme makes provision for two parking spaces to serve the new dwelling and two spaces to serve the existing Spring Cottage. The level of on-site parking provision is acceptable and it is not considered that a refusal of planning permission on the grounds of congestion in Church Lane would reasonably be justified.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 Planning permission has previously been granted for a dwelling on the site. This has not been implemented however, and the current proposal is for a revised scheme. The design changes to the dwelling are acceptable, as are the amendments to the area of the application site, which will still allow an acceptable standard of amenity area. The proposed development deletes a previously approved side garage from the proposed new dwelling and accordingly, there is a reduction in the level of on-site parking to be provided (two spaces as opposed to three previously). Additionally, the proposal leaves a minimum of 2 parking spaces to serve the existing dwelling. The overall parking provision is acceptable in the circumstances.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location Plan & Block Plan: Drawing No. BA1826.01 revision C, dated March 2018
Proposed Site Levels Plan: Drawing No. BA1826.16, revision D, dated December 2018

Proposed elevations and levels AA and BB: Drawing No. BA1826.19 revision C, dated December 2018

Proposed elevations and levels CC: Drawing No. BA1826.20 revision B, dated December 2018

Proposed elevations and levels DD: Drawing No. BA1826.21A revision A, dated January 2019

As proposed plans and elevations: Drawing No. BA 1826.18 revision C

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development shall take place, including any works of excavation, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) the area(s) of the site to be used for storage of materials and plant; the construction site access, parking and manoeuvring, with the intention of containing all related vehicles and equipment within the site as far as reasonably possible;
 - b) construction work to take place only between the hours of 08:00 and 18:00 Monday to Fridays, 08:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: These details are required prior to commencement of works to ensure the environmental impacts of construction, including initial groundworks are prevented or minimised in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

4. Before commencement of any works on site, a Waste Management Plan/Statement to include details of the measures to minimise and manage waste generated by the scheme shall be submitted for the consideration and approval of the local planning authority. This shall include principally the proposed means of disposing of excavated spoil from the groundworks. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of seeking a sustainable development which minimises waste, in accordance with the Supplementary Planning Guidance on "Construction and Demolition Waste" (2006), by East Sussex County Council and having regard to amenity issues in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy. These details are required prior to commencement of works to ensure the environmental impacts of construction, including initial groundworks, are managed throughout the course of development.

Note: subject to consideration of the details of any proposal (Waste Management Plan/Statement), the applicant/developer is advised that the deposition of extracted spoil, including on any adjacent land, may constitute development requiring planning permission in its own right.

5. Before the relevant part of the development is commenced, samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This shall include the materials to be used

externally on the retaining walls. The development shall be carried out only in accordance the approved details.

Reason: To ensure that the development reflects the character of the locality and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

6. The proposed window design details shall comprise only side opening casements and any non-opening windows shall be designed as fixed casements of similar appearance to the opening units, to achieve a balanced and uniform window appearance and overall, reflect the traditional style of window design in the High Weald.

Reason: To maintain the characteristics of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

7. Detail of the positions, design, height, materials and type of boundary treatment to be erected shall be submitted for the consideration and subsequent approval of the Local Planning Authority. The proposed details shall include the retention of the existing frontage hedge, which shall be protected during the course of development and retained thereafter in accordance with the details set out in the application. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied.

Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

8. The dwelling hereby approved shall not be occupied until two on-site parking spaces have been provided to serve the new dwelling and two on-site spaces have been provided to serve the existing Spring Cottage in accordance with the approved plan, Drawing No. BA1826.16A revision A, and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

9. The area of the residential curtilage to be provided to serve the new dwelling shall be in accordance with the red line indicated on the approved plan (Drawing No. BA1826.01 revision C) and shall be retained as such thereafter.

Reason: To ensure that a reasonable quality of garden amenity area is provided to serve the needs of future occupiers of the new dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.