

SITE PLAN

RR/2022/1538/P

CROWHURST

Oakleigh,
6 Woodland Way



Rother District Council

Report to - Planning Committee
Date - 10 November 2022
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/1538/P
Address - Oakleigh, 6 Woodland Way, Crowhurst, TN33 9AP
Proposal - Erection of bungalow and changes to ground levels within curtilage of existing dwellinghouse (part retrospective)

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr K. Eason
Agent: Mr Andrew Gerken
Case Officer: Mr Michael Vladeanu
(Email: michael.vladeanu@rother.gov.uk)

Parish: CROWHURST
Ward Members: Councillor G.C. Curtis

Reason for Committee consideration: Call in by Councillor Curtis – Parish Council requested and wishes to speak at the meeting as required

Statutory 8-week date: 15 August 2022
Extension of time agreed to: 17 November 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The site lies within the development boundary as defined within the Development and Site Allocations Local Plan (DaSA) therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan. The proposed dwelling is considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations. The application is recommended for approval subject to conditions.

1.2 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£32,112
New Homes Bonus (approx.)	£6,684

2.0 SITE

2.1 Oakleigh is a detached single-family dwelling located on the southern side of a private access track situated off London Road. The site is located within the Crowhurst Development Boundary and the Combe Valley Countryside Park lies directly east of the site.

2.2 The land in question is to the east of Oakleigh and has been built up by imported soil to form a flat area of land.

3.0 PROPOSAL

3.1 Planning permission is sought for the erection of a 3-bedroom single storey dwelling with hipped roof. The site would be accessed off Woodland Way and would provide off-street car parking for three vehicles.

3.2 The external materials comprise of brickwork and tiles with details to be submitted to the planning authority should the application be recommended for approval. The dwelling would host three bedrooms, a bathroom, ensuite, living/dining area, a kitchen and a garage.

3.3 This application also seeks retrospective planning permission for the importation of spoil to the site and changes to the ground level.

4.0 HISTORY

4.1 RR/2022/509/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. Approved Conditional.

4.2 RR/2021/3003/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. Refused.

4.3 RR/2010/2896/P Installation of velux type rooflight (conservation rooflight) to be fitted above top of stairs on east elevation of property. Approved Conditional.

4.4 RR/2006/1280/P Demolition of existing dwelling and erection of replacement detached dwelling including roof dormer windows and rooflight with provision of four parking spaces pursuant to outline planning permission RR/2004/566. Approved Conditional.

- 4.5 RR/2005/2954/P Demolition of existing dwelling and erection of replacement dwelling including roof dormer windows and rooflights and single integral garage with provision for one parking space pursuant to outline permission RR/2004/566. Approved Conditional.
- 4.6 RR/2004/566/P Outline: Demolition of existing dwelling and erection of replacement dwelling. Approved.
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5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
 - OSS1: Overall Spatial Development Strategy
 - OSS2: Use of Development Boundaries
 - OSS3: Location of Development
 - OSS4: General Development Considerations
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - EN7: Flood Risk and Management
 - CO6: Community Safety
 - TR3: Access and New Development
 - TR4: Car Parking
 - SRM1: Towards Low Carbon Future
 - SRM2: Water Supply and Wastewater Management
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DRM1: Water Efficiency
 - DRM2: Renewable Energy Developments
 - DHG3: Residential Internal Space Standards
 - DHG4: Accessible and Adaptable Homes
 - DHG7: External Residential Areas
 - DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
 - DEN1: Maintaining Landscape Character
 - DEN4: Biodiversity and Green Space
 - DEN5: Sustainable Drainage
 - DEN7: Environmental Pollution
 - DIM2: Development Boundaries
- 5.3 The following policies of the Crowhurst [Neighbourhood Plan](#) are relevant to the proposal:
- CS1: Development Boundary
 - CE1: Landscape Character of Crowhurst
 - CB1: Design
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

- 5.5 Section 12 paragraph 126 of the National Planning Policy Framework states that *“the creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*
- 5.6 Paragraph 134 states that *“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.”*
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6.0 CONSULTATIONS

6.1 RDC Waste & Recycling – NO OBJECTION

6.2 Sussex Newt Officer – NO OBJECTION

6.3 Building Control – GENERAL COMMENT

6.3.1 *“Generally drainage and structure of the building would be reviewed as part of our process once they make an application.”*

6.4 Planning Notice

6.4.1 Six letters of objection have been received (from eight representatives). The concerns raised are summarised as follows:

- Inaccuracies with the planning statement
- Damage to the highway
- Damage to the roots of trees
- Drainage issues
- Safety issue regarding slope stability
- Extra traffic

6.4.2 Two letters with general comments have been received (from eight representatives). The comments are summarised as follows:

- Are the earthworks stable?
- Red line boundary not accurate
- Concerns of drainage

- Damage to the environment and wildlife
- Potential damage to trees

6.5 Crowhurst Parish Council – **OBJECTION**

- 6.5.1 The Council objects to both the engineering works and the application for the bungalow for the following reasons:- overlooking and loss of privacy for neighbouring properties; highway safety and the extensive movement of lorries; parking - there are no details; traffic - the additional movement of traffic down the lane and into the village; effect on the sightlines from the 1066 Country Path and the Recreation Ground; the potential effect on trees which have Tree Preservation Orders; the extensive engineering works already carried out without planning consent; and we may have had further comments to add to this list, in the event that a full set of information had been provided with the planning application, and we reserve our position in this respect.

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, and the Applicant has stated they wish to claim self-build exemption from the fee, however, the self-build exemption form has not been completed so would need to be done if approval is granted.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 **APPRAISAL**

- 8.1 The main issues for consideration are:
- Principle of development
 - Impact on the character and appearance of the area
 - Neighbouring residential amenities
 - Accommodation standards
 - Ecology
 - Highway safety and parking
 - Drainage

9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 Principle of development

- 9.1.1 The site falls within the development boundary for Crowhurst, where redevelopment or intensification is acceptable in principle. Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy, DIM2 of the DaSA and CS1 of the Crowhurst Neighbourhood Plan all support the presumption of residential development, subject to other policies within those adopted planning documents.

- 9.2 The impact upon the character and appearance of the locality
- 9.2.1 Policy OSS4 of the Rother Local Plan Core Strategy requires new development to respect and not detract from the character and appearance of the locality.
- 9.2.2 Policy EN3 of the Rother Local Plan Core Strategy requires new development to contribute positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.
- 9.2.3 Policy DGH11 of the DaSA expects boundary treatment to be consistent with the character of the locality.
- 9.2.4 The locality is characterised by a row of residential dwellings on the western side of a private access track, which is mostly screened by a mature trees and vegetation to the east of the track. The site and surroundings are not overly prominent from the recreation park or the 1066 footpath to the east although views of the site from these viewpoints is achievable.
- 9.2.5 The boundaries of the site itself are well screened by existing mature trees. However, there is a gap within the eastern boundary tree line of the application site.
- 9.2.6 The application site sits at a higher land level to the west and slopes sharply downwards to the east towards the recreation park. Spoil has been imported into the site in order to level the land which has created somewhat of a flat shelf in the landscape. This build-up of land however is well screened from viewpoints especially to the east by the mature vegetation seen, as such causes little wider harm to the locality and is considered acceptable.
- 9.2.7 The proposed dwelling would sit on the built-up land levels and would be visible from the 1066 pathway and recreation park. However, the dwelling would be seen in the context of the built development that forms part of the development boundary for Crowhurst. The development would not substantially change or detrimentally affect views into or out of the site and the single storey nature of the dwelling would ensure that it would not appear as a dominant addition to the landscape. Existing views from the recreation park and 1066 pathway towards the site are of a residential nature and this would not be altered through the addition of this dwelling.
- 9.2.8 A condition should be imposed to ensure that the surrounding trees are retained and protected. Additional tree planting should also be considered, and a condition will be placed on any decision notice requesting soft landscaping details for the site.
- 9.2.9 Whilst the new dwelling and increase in land levels would have a greater footprint and overall mass than existing, the design and scale is considered to be acceptable given that it would be well screened within the landscape and by existing vegetation to the east.
- 9.2.10 Conditions should also be imposed to require further details of the hard-surfacing materials to ensure that the materials are appropriate in this location.

9.3 Neighbouring residential amenities

9.3.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.

9.3.2 The proposed dwelling would be separated from the neighbouring dwelling Oakleigh to the west by 3.8m. Due to this separation distance, single storey nature of the development and hipped roof, it is not considered that the proposed new dwelling would give rise to unacceptable levels of loss of light, outlook or appear overbearing. There are no ground floor windows on the eastern elevation of Oakleigh and hence the windows installed on the western elevation of the proposed dwelling would not lead to any harmful overlooking to Oakleigh.

9.3.3 The properties located along Woodland Way are over 20m from the proposed dwelling and it is not considered that their amenity would be adversely affected by the proposed dwelling.

9.4 Accommodation standards

9.4.1 The DaSA has introduced a policy requiring all new dwellings to be designed to achieve water consumption of no more than 110 litres per person per day. This can be secured via condition. A condition will also need to be added to ensure the dwelling is built to M4(2) standards in line with DaSA Policy DHG4.

9.4.2 DaSA Policy DHG7 requires rear gardens to normally measure at least 10m in length. The rear garden would measure 11.2m in length and hence no concern is raised.

9.4.3 In terms of housing standards, the proposed dwelling would exceed the nationally described space standards, providing approximately 133sqm of floor space. However, only 1sqm of built-in storage is proposed. For a 3-bedroom 6-person dwelling, there is a built-in storage requirement of 2.5sqm. There is adequate space to provide built in storage and this can be secured via condition.

9.5 Ecology

9.5.1 The development falls within the amber impact risk zone for great crested newts (GCN). The Sussex Newt Officer has been consulted on the application and initially raised an objection to the scheme as outlined below:

“Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.

There is one pond on-site, and three further ponds within 250m of the development site. The pond located 250 south west has GCN records associated with it.

There is direct connectivity with the on-site pond and further indirect connectivity between the development site and the ponds within 250m including that with the GCN record associated with it.

The Applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact.

I am not satisfied that the Applicant has adequately demonstrated that there will no impact to GCN and/or their habitat as a result of the development being approved as no ecological information for the development has been provided.”

9.5.2 As such, the Applicant has submitted a GCN Ecology Report prepared by The Mayhew Consultancy dated October 2022.

9.5.3 The Sussex Newt Officer has been reconsulted on the application and raises no objection subject to conditions. Their response is detailed below:

“The Applicant has provided an Ecology Report in relation to GCN for the land at Oakleigh (The Mayhew Consultancy, Oct 2022). The report gives a summary of the ponds within 250m of the site and concludes that only one of the ponds is suitable for GCN (approximately 250m south-west of the site). The report also states that there is some suitable habitat for GCN on site. Therefore, a Reasonable Avoidance Measures statement is recommended for the proposed development to minimise the small risk of harm to GCN.

We are satisfied with the ecological survey and deem a RAMs statement to be acceptable for this small development. We recommend that a compliance condition is used to secure the measures and recommendations as outlined in the ecological report.”

9.5.4 As such, no concern is raised on potential impacts on GCN.

9.5.5 The application is also accompanied by a Badger Survey by Martin Newcombe, dated 1 November 2021. The survey recommends the proposed mitigation is put in place and this requirement will be added as a condition should the application be recommended for approval.

9.6 Highway Safety and parking

9.6.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

9.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

- 9.6.3 Policy DHG7 (ii) of the DaSA requires car parking and cycle storage to be provided in accordance with Policy TR4 and ESCC's 'Guidance for parking at new residential development'.
- 9.6.4 The site would be accessed off an existing access point and there is space provided to the front of the dwelling to accommodate three parking spaces and cycle storage would be provided within the internal garage. As such, the proposal is considered acceptable in this regard.
- 9.7 Drainage
- 9.7.1 Policy EN7 requires development proposals to avoid flood risk, including from surface water by including appropriate drainage.
- 9.7.2 The application form states that surface water will be discharged via a soakaway and foul drainage will be disposed of via the main sewer, however, no further details have been provided. Should the application be recommended for approval a condition will be placed on any decision notice requesting full details of the drainage of the site before development commences.
- 9.8 Other matters
- 9.8.1 Concerns have been raised regarding the stability of the land and potential slippage. Ultimately it is the Applicants/Developer's responsibility to ensure that the development is safe. However, in this case it is thought prudent to add a condition requiring a site stability assessment be completed and submitted to the council for review before development commences.
- 9.9 Conclusion
- 9.9.1 The site lies within the development boundary as defined within the DaSA therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan.
- 9.9.2 The proposed dwelling is considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations.
- 9.9.3 The application is recommended for approval subject to conditions.

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:
Location Block Plan, Drawing No. 6971/100/LBP/A, dated October 2022
Proposed Sections, Drawing No. 6971 / 100 / 2 / A, dated September 2022
Proposed Elevations and Floor Plans, Drawing No. 6971/100/1, dated May 2022
Reason: For the avoidance of doubt and in the interests of proper planning
3. No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty and to preserve the visual amenities of the area in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DEN2 of the Development and Site Allocations Local Plan.
4. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.
Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
5. No works above ground shall take place until the hard and soft landscaping details for the site have been submitted to and approved by the Local Planning Authority, which shall include:
 - a) planting plans;
 - b) written specifications (including cultivation and other operations
 - c) associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed
 - e) numbers/densities where appropriate;
 - f) hard surfacing materials; and
 - g) implementation programme.All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
Reason: To enhance and maintain the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan.
6. No development shall take place until details of a full site investigation, including stability report, with a scheme for remedial/preventative works, has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details

Reason: In order to safeguard the construction of the property in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

7. No development shall commence until indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

8. The development shall not be occupied until a parking and turning area has been provided to accommodate a minimum of two cars, and the area 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 and turning 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 Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

9. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 4 of the supporting document, Ecology Report in relation to Great Crested Newts for the land at Oakleigh (The Mayhew Consultancy, Oct 2022).

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

10. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 5 of the supporting document, Badger Survey (Martin Newcombe dated 1 November 2021.)

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

11. The dwelling hereby permitted shall not be occupied until the refuse and recycling areas have been laid out within the site in accordance with drawing no. 6971/100/LBP/A. Thereafter, these areas shall be used for the storage and collection of waste only

Reason: To ensure sufficient bin storage and collection points are provided for the dwelling and in the interests of visual amenity, having regard to Policy OSS4 of the Rother Local Plan Core Strategy and Policy DHG7 (iii) of the Development and Site Allocations Local Plan.

12. The development shall not be occupied until at least 2.5m² of built-in storage has been provided within the dwelling hereby permitted.

Reason: To provide the dwelling with adequate built in storage in line with the Nationally Described Space Standards and Policy DHG3 of the Development and Site Allocations Local Plan.

13. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

14. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Local Plan.

NOTES:

1. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
2. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy 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.

