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| COMMITTEE DATE: | 14 th December 2023 |
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APPLICATION NO: RR/2023/1934/P

ADDRESS: Springfield, Whatlington Road, Whatlington

PROPOSAL: Proposed demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in new location as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P.

Statement submitted by the Applicant Mr Robert Vallier

I, Robert Vallier, make this Second Statement in support of my Planning Application referenced above, which seeks to change the LOCATION of the site for construction of one - and one only - new dwelling granted earlier under RR/2023/156/P on 3 May 2022 at the back of the main residence at Springfield, round to the front. I believe that I can offer the Committee further cogent reasons why the Application RR/2023/1948/P should be granted.

1. At the Planning Committee Meeting on 16 November 2023, I was asked a question about the footprint of the build design submitted for the New Site Location (ie at the front of Springfield in the NW Lawn area on the right just past the entrance gates), as opposed to that for the Existing Site Location (at the rear of Springfield round the back of the house and to be accessed with a left turn just past the entrance gates via a new and I believe destructive 95m driveway cutting across the NE front lawn and round the back of the Main House). I did not have that information to hand at that time, but, having consulted my planning consultants Pumphouse Design, I can now provide the answer to the question.

The footprint at the New Site Location is 152m², with a height of 7.3m, compared to a footprint of 154m² at the Existing Site Location, with a height is 7.4m. Therefore the proposed design for the New Site Location is both smaller in footprint and lower in height than that for which planning permission already exists. Furthermore the new design for the front has a floorspace of 242m² compared to the approved dwelling for the rear of the Springfield of 249m².

The dwelling design proposed for the New Site Location can be described as a traditional style which accords with the High Weald AONB Design Guide, compared to the scheme - already approved - at the Existing Site Location which is very contemporary in contrast and contains materials which are in fact contrary to the High Weald AONB Design Guide.

The floor level for the New Site Location is approximately 2m lower than that of the approved dwelling, and approximately 3m lower than the main Springfield dwelling. The proposed ridge level will be 4m lower than the main Springfield dwelling.

2. I must correct an error that appears in the Report Pack issued to the Planning Committee and appearing on the RDC website Agenda (link to same) for the upcoming Meeting this week on 14 December 2023, viz. under Point 6 Consultations, 6.3:

"6.3 Whatlington Parish Council – NO COMMENT RECEIVED".

In fact, Whatlington Parish Council submitted their online comment on 2 November 2023, and it appears on the RDC website on 3 November 2023. Their comment reads:

"The council support the application"

I am sure this is merely an unintentional oversight by the Planning Officers concerned, but as it represents very important input of local support for my Application, and is in opposition to the

direction of refusal recommended by the Planning Officers, its omission is thus all the more unfortunate to my Application, and I thought I should thus issue a correction here.

The Comment Letter from the Parish Council is attached to this Statement as **EXHIBIT A**.

3. The Application has received no negative comments from adjoining neighbours.
4. At the Planning Committee Meeting on 16 November 2023, there seems to have been some confusion as to the number of houses that were being considered by this Application and whether my intention might be somehow to resurrect or not agree to the extinguishing of the existing planning permission for the house at the rear of Springfield at the Existing Site Location once permission to move it to the New Location Site is granted. In fact the number of new build houses that could appear at Springfield was voiced at one time as being possibly 3, making a total number of houses including the main residence at Springfield as 4! This is not the case at all. I believe the issue was actually clear in our Application, and I regret any confusion that arose.

For the sake of absolute clarity I would like to state that if Planning Permission is granted for the present Application to move the build site to the front to the New Location Site, I am of course perfectly agreeable to the existing build rights for the Existing Location Site at the rear of Springfield to be irrevocably and comprehensively extinguished. I also reconfirm that prior to any occupation of the new build the existing structure (the Shack) at the rear of the property at the Existing Location Site shall be demolished.

I hope this clarifies the situation for the Planning Committee Members.

5. Further to the previous point, I have given some thought as to how the stated intentions can be secured to the Committee's satisfaction (which was another matter discussed at the previous Meeting) and having taken some legal advice myself it seems there would be two options. First, I would like to propose that I submit a Letter to the Planning Committee giving my secure commitment in addressing these matters, with the added suggestion that in granting the planning permission the same or similar wording be included in the Council's granting Planning Permission Letter to me as a Condition. My draft Letter (which can obviously be amended as required) is attached as **EXHIBIT B**. It can be most firmly borne in mind that all building issues are in any event entirely and already controlled by the Council's Planning Committee, and that any future building application submitted by me or any subsequent owner of Springfield would necessarily fall under the jurisdiction of the Planning Committee to decide upon.

I hope that this might be considered an acceptable method.

However there is the second option, viz for the Committee to go into a Section 106 Agreement as an alternative. The precedent for this is established. Should this be the wish of the Committee, to aid their ease of reference an example of a S106 dated 2020, covering a similar relocation issue at Powdermill Lane, is attached as **EXHIBIT C**.

I trust this has been helpful to the Planning Committee. I respectfully invite the Members to grant permission to the Application at the Planning Committee Meeting on Thursday 14 December 2023, conditional that the selected aforementioned paperwork method is put in place.

Exhibit A is a copy of the online comment from Whatlington Parish Council.

Exhibit B is a draft letter from the applicant, which details that upon granting of the planning permission, they propose agreeing to the following, but subject to legal advice we may have no control over these matters;

- a) that any and all earlier building rights to the old site location granted under **RR/2023/156/P** are hereby irrevocably extinguished; and
- b) that the existing structure at the old site shall be demolished prior to occupation of the referenced new building at the front of the property granted under **RR/2023/156/P**; and
- c) that for the sake of clarity all rights granted by and within the Certificate of Lawful Use or Development granted under **RR/2019/738/0** are similarly irrevocably extinguished.

Exhibit C is a copy of a Section 106 agreement of a site in Battle which the applicant considers covers a similar relocation matter. For this element we would need to get legal advice, however it should be noted that each planning application is assessed and determined on its own planning merits.

RECOMMENDATION: AS REPORT