

**Town and Country Planning Act 1990**

**OUTLINE PLANNING PERMISSION**

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**AGENT/APPLICANT:**

Town And Country Planning Solutions  
Attn: Mr Michael Pickup  
Sandhills Farmhouse  
Bodle Street Green  
Hailsham  
BN27 4QU

**APPLICANT**

Park Lane Homes (Se) Ltd.  
141 - 145 Bohemia Road  
St. Leonards-On-Sea  
TN37 6RL

**DESCRIPTION:**

Outline: Proposed residential development with access from Strand Meadow.

**LOCATION:**

Strand Meadow - Land to the south west of, Burwash

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The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Acts that outline planning permission has been granted for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

- 1 Before any part of the development hereby approved is commenced approval of the details of the access, appearance, hard and soft landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be obtained from the Local Planning Authority in writing.

Reason: In accordance with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: In accordance with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

- 4 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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).

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Drawing No. 4702/LP rev.F dated January 2017.

Drawing No. 2016/3288/001C and 002C submitted 17 May 2017.

Drawing No. 2016/3288/003A dated January 2017.

Ecological Assessment Report, including mitigation, by The Ash Partnership dated February 2017.

Arboricultural Assessment Report, by The Ash Partnership dated February 2017.

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.

- 6 The number of dwellings permitted within the site as defined by this outline planning permission shall not exceed 30.

Reason: Having considered illustrative layouts for the site this is the maximum number of units that can be reasonably accommodated while still maintaining space about the buildings and including landscaping, to mitigate the area of development and better integrate it into the landscape and scenic beauty of the High Weald AONB and surrounding area, in accordance with Policies EN1 and OSS4 (iii) of the Rother Local Plan Core Strategy and paragraph 115 of the National Planning Policy Framework.

- 7 As part of condition 1 above, details shall also be submitted for a foul and surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year, including climate change critical storm, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall retain existing watercourses as open channels and shall as far as possible utilise above ground systems for surface water. The scheme shall also include details for its maintenance and management after completion. The scheme shall be implemented and maintained in accordance with the approved details before the development is completed.

Reason: Early consideration of the drainage infrastructure is required to ensure that the development will not increase the risk of flood and will improve water quality and to ensure the future maintenance of the drainage systems, in accordance with Policies SRM2 and EN7 of the Rother District Local Plan Core Strategy and section 10 of the National Planning Policy Framework.

- 8 As part of condition 1 above details shall be submitted for the parking and turning of vehicles in accordance with the East Sussex Residential Parking Demand Calculator and the provision of cycle parking areas and all those areas shall be provided and thereafter retained for that use only.

Reason: To ensure the provision of adequate on-site parking and turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, in accordance with Policies TR4 and TR3 of the Rother District Local Plan Core Strategy.

- 9 No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is required to ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

- 10 The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [9] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

- 11 No development shall commence until a scheme of the working hours during the construction has been submitted to and approved in writing by the Local Planning Authority. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: Having regard to the single access to the site past existing housing, a pre-commencement condition is required to ensure construction activity does not harm the amenities of local residents in accordance with Policies OSS4(ii) and CO6 of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.

- 12 Prior to the commencement of the development a scheme for the control of noise and dust during construction shall be submitted to and approved in writing by the local planning authority. Development work should be carried out in accordance with the approved scheme and no bonfires will be permitted on site.

Reason: A pre-commencement condition is required so that development from its outset does not unreasonably harm the amenities of adjoining properties in accordance with Policy OSS4(ii) of the Rother District Local Plan Core Strategy and the National Planning Policy Framework.

- 13 Before commencement of any ground works for the development hereby approved, the finished ground floor levels of the buildings in relation to existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses, to include pathways, driveways, steps and ramps, shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory accessible development of the site and retention of residential amenity for existing surrounding properties, in accordance with Policy OSS4 (i) (ii) and (iii) of the Rother District Local Plan Core Strategy.

- 14 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and for the benefit and convenience of the public at large having regard to Policies OSS4(ii) and TR3 of the Rother District Local Plan Core Strategy.

- 15 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing no. 2016/3288/001C.

Reason: In the interests of road safety in accordance with Policy TR3 of the Rother District Local Plan Core Strategy.

- 16 Prior to the commencement of development details of the proposed footpath link, including siting, gradients and surfacing, shall be provided to and approved in writing by the local planning authority. The footpath shall be provided in accordance with the approved details before the occupation of the penultimate dwelling constructed on the site and thereafter maintained in accordance with the approved details.

Reason: To ensure improved footpath integration with the village centre and its services in accordance with Policy VL1 of the Rother District Local Plan (2006) and Policy TR2 of the Rother District Local Plan Core Strategy.

- 17 Before above ground level works take place on any building details of the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 (ii) of the Rother District Local Plan Core Strategy.



- 18 No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

- 19 No above ground works shall commence until the following soft landscaping details have been submitted and approved by the local planning authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- a) 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.
  - b) Design, layout and appearance of structural and amenity green space, including verges.
  - c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers)
  - d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
  - e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - f) Details for implementation

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

- 20 Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother District Local Plan Core Strategy.

- 21 If within a period of 10 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

- 22 No external means of illumination of any part of the site shall be provided, installed or operated, with the exception that should some street lighting be required with a view to adoption as a publicly maintained highway, a scheme for the lighting must first be submitted to and approved in writing by the local planning authority in association with the Highway Authority. Street lighting shall only be installed in accordance with the approved scheme.

Reason: To safeguard the visual amenities of the locality and to maintain the landscape character and appearance of the High Weald AONB, in accordance with Policies OSS4 (iii) and EN1 (i) of the Rother District Local Plan Core Strategy.

#### NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### NOTES:

1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.

2. The applicant is reminded of the desirability to enter into pre-application discussion with the local planning authority in relation to any reserved matters application. <http://www.rother.gov.uk/article/8842/Pre-application-advice-and-fees> The 'Illustrative' site layout drawing submitted to accompany the application is not approved as part of the outline permission.

3. In relation to Condition 7 concerning foul sewerage and sustainable surface water drainage arrangements, the applicants attention is drawn to the responses of both Southern Water dated 7 April and 6 June 2017 and the ESCC Lead Local Flood Authority dated 11 April 2017 as to the specific requirements at the reserved matters stage.



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**Decision Date:** 7 March 2018

4. In relation to conditions 9 and 10, the written scheme of investigation, ensuing works and production of reports should accord with the relevant portions of the ESCC document "Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation in East Sussex" (2008), including Annex B, and should be undertaken only by a suitably qualified archaeologist. For assistance and advice in seeking compliance with the requirements of the condition, please contact the County Archaeologist at ESCC, Transport & Environment, County Hall, Lewes, BN7 1UE, telephone 01273 481608 or email [County.Archaeology@eastsussex.gov.uk](mailto:County.Archaeology@eastsussex.gov.uk).

5. With regard to condition 12 works shall ensure compliance with the guidance found in BS5228-1: 2009 +A1:2014, Code of Practice for noise and vibration control on construction and open sites.

6. The applicant is advised of the need to enter into section 38 and section 278 Agreements with the ESCC Highway Authority.

7. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

8. This development will be subject to the Community Infrastructure Levy (CIL) and all interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

9. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website [www.rother.gov.uk/planning](http://www.rother.gov.uk/planning).

**STATUTORY NOTICE TO THE APPLICANT:** If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within SIX MONTHS of the date of this notice. Please see overleaf for details.

Head of Service - Strategy and Planning



## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **PURCHASE NOTICES (Applications for planning permission, listed building consent and conservation area consent only)**

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions or if a listed building consent or conservation area consent is refused, or granted subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council, in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or as the case may be Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **COMPENSATION (Applications for planning permission, listed building consent and conservation area consent only)**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Parts IV and V of the Town and Country Planning Act 1990 or as the case may be Section 27 of the planning (Listed Buildings and Conservation Areas Act) 1990.

## **GENERAL NOTES**

1. Attention is drawn to Section 35(2) of the East Sussex Act 1981 regarding means of access to a building for the fire brigade. The effect of which in relation to the erection or extension of a building is to require adequate means of access for the fire brigade and to ensure such works will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
2. Attention is drawn to Sections 4, 7, 8 and 8a of the Chronically Sick and Disabled Persons Act 1970, to the Code of Practice for Access for the Disabled and to Design Note 18 – all of which relate to the provisions to be made for access for the disabled.
3. This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **NOTES RELATING SPECIFICALLY TO APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT**

Attention is drawn to Section 8 (2) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of the proposal has been given to the National Monuments Record Centre, The Engine House Fire Fly Avenue, Swindon, Wiltshire SN2 2EH and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.