



**Application No.** RR/2011/2205/P

**Decision Date:** 19 July 2017

**Town and Country Planning Act 1990**

**OUTLINE PLANNING PERMISSION**

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**AGENT/APPLICANT:**

Mr Michael Pickup  
Sandhills Farmhouse  
Bodle Street Green  
Hailsham  
EAST SUSSEX  
BN27 4QU

**APPLICANT**

Mr Kirkham  
East Lodge  
High Street  
Pembury  
KENT  
TN2 4PN

**DESCRIPTION:**

OUTLINE: PROPOSED RESIDENTIAL DEVELOPMENT WITH ACCESS FROM STRAND MEADOW

**LOCATION:**

STRAND MEADOW, LAND TO THE SOUTH WEST, 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 appearance, layout, scale and landscaping 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 Part 3, Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 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 Part 3, Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 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 plan:

Drawing no. 10.1083-101 'Site location plan', dated Feb 2011.

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 residential development hereby permitted shall be for the erection of no more than 17 dwellings.

Reason: In accordance with policy VL1(i) of the Rother District Local Plan (2006) and having regard to potential impacts on the landscape character and appearance of the area with reference to Policies OSS4(iii), RA1(i) and EN1(i) of the Rother Local Plan Core Strategy.

- 7 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: This work is required pre-commencement on site to ensure that archaeology is not destroyed by the proposed development. The condition seeks to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy

Framework paragraph 141 and Policy EN2 (vi) of the Rother Local Plan Core Strategy.

- 8 The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 and supplied to the Local Planning Authority, in consultation with the County Planning Authority.

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

- 9 No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted as part of condition 1 for the parking and turning of vehicles and it shall thereafter be retained for those purposes only. A minimum of two parking spaces are required within each plot.

Reason: To provide on-site parking/turning and thereby 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.

- 10 Before commencement of the above ground works for the development hereby approved, full details for the measures which will be undertaken to divert the public sewers are to be submitted to and approved in writing by the local planning authority in consultation with Southern Water. The development shall be completed in accordance with the approved details.

Reason: To prevent damage to public utility infrastructure (mains sewer) and pollution of the water environment in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

- 11 No development shall commence with regards to above ground works 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 in consultation with Southern Water 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: To ensure the satisfactory drainage of the site and to prevent water pollution and flood risks arising in accordance with Policies SRM2 and EN6 of the Rother Local Plan Core Strategy.

- 12 No surface water shall be discharged to the public foul sewer.

Reason: To ensure the satisfactory drainage of the site and area in accordance with Policies SRM2 and EN6 of the Rother Local Plan Core Strategy.

- 13 Before occupation of the dwellings hereby permitted commences, 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: In the interests of providing a sustainable development in accordance with Policy SRM1 (viii) of the Rother Local Plan Core strategy and PPS1, paragraph 20.

- 14 No development 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 in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

- 15 Before any construction work is commenced, a schedule of floor levels for each house/garage, together with gradients to each drive, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory and accessible development of the site reflecting the character and appearance of the locality having regard to Policy OSS4 (i) (ii) & (iii) of the Rother Local Plan Core Strategy.

- 16 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 of implementation agreed with the local planning authority.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality or the landscape character and quality of the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4(iii) and EN1 of the Rother Local Plan Core Strategy.

- 17 The Ecological mitigation and enhancement measures set out within sections 4 and 5 of the Ecological Assessment Report accompanying the outline planning application, shall be undertaken and provided in accordance with a detailed schedule, to include a timetable for such provisions, which shall have been submitted to and subject to the approval in writing of the local planning authority prior to the commencement of above ground development on the site.

Reason: To protect features of recognised nature conservation importance in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

18 Prior to the commencement of development, details of tree protection measures shall be submitted to and approved in writing by the local planning authority and shall be installed on site in accordance with the approved details. Details shall include:

a. Detailing the exact position and type of fencing and ground protection measures to be erected around the preserved trees. The approved fencing/ground protection measures shall be erected prior to any construction related materials and/ or equipment is brought onto the site and erected in accordance with both the approved details and in accordance with BS5837. The approved fencing shall be maintained in that position/condition until the development has been completed and all construction related materials and equipment removed from site.

b. A Method Statement which includes details of construction operations that will take place in the vicinity of the trees including: Details of hand digging for any demolition and construction work carried out within the root protection areas. Details and plans of the construction of hard surfaces to be constructed within the root protection areas. Details of any pruning work to trees in accordance with BS3998 2010.

Reason: This work is required pre-commencement on site to ensure that trees subject to a Tree Preservation Order are not damaged or otherwise adversely affected by any building operations and soil compaction and to ensure that the proposed development does not prejudice the health and safety of the trees in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy.

19 No materials or equipment shall be stored or parked in any area fenced in accordance with preceding condition 16 and the ground levels within those areas shall not be altered, nor any excavation made.

Reason: To ensure that trees subject to a Tree Preservation Order are not damaged or otherwise adversely affected by building operations and soil compaction and to ensure that the proposed development does not prejudice the health and safety of the trees in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy.

#### NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the 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 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.





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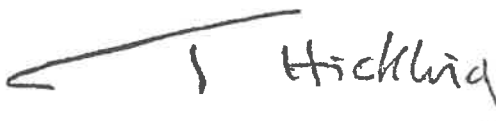
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**NOTE(S):**

1. 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 £28.00 for each request for householder developments and £97.00 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).

2. Southern Water Informative: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewerage capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tele: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**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.

  
Service Manager - 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 of 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.