

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

AGENT/APPLICANT

Bloomfields Ltd
Attn: Mr Gary Mickleborough
77 Commercial Road
Paddock Wood
TN12 6DS

APPLICANT

Mrs Barkaway
C/O Bloomfields Ltd
Attn: Mr Sam Finnis
77 Commercial Road
Paddock Wood
TN12 6DS

DESCRIPTION:

Outline: Erection of 8no. additional dwelling houses and access arrangements with all other matters reserved. (Existing dwelling retained).

LOCATION:

Sunningdale, The Street, Sedlescombe

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 Approval of the details of layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences.

Reason: In accordance with the requirements of Article 4(1) 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(1) of the Town and Country Planning

(Development Management Procedure) Order 2010.

- 3 Application for approval of all 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 92 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 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 5 Subject to the details required by Condition 1, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- 02a, site location plan, dated December 2019
- 01C rev.C, proposed site plan, dated August 2020 (in broad principle only exact siting expected to vary as part of any reserved matters submission)
- 03A, site sections, dated September 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

- 6 Prior to the submission of reserved matters pursuant to condition 1, updated full ecological surveys and arboricultural assessments shall be undertaken for the site to inform the reserved matters submissions including final layout, and provide mitigation, enhancement and protection of trees and ecology on and adjacent the site.

Reason: To enable the Local Planning Authority to properly ensure the protection of rare and protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan and to ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, in accordance with the requirements of the National Planning Policy Framework and Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, 2 and 4 of the Development and Sites Allocations Local Plan.

- 7 Within the details required under condition 1, details are required of the proposed means of foul disposal and a sustainable surface water system relating to the site, including its future maintenance and management, to be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, the Lead Local Flood Authority and the local Highway Authority. Surface water must not discharge onto the highway and vice versa. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the drainage infrastructure of the development will not increase the risk of flooding, will improve and protect water quality, including the River Brede, and ensure future maintenance of the sustainable surface water drainage system in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by 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.

- 9 The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is 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.

- 10 No development shall commence until details of measures to manage flood risk, both on and off the site, during the construction phase have been submitted to and approved in writing by the local planning authority, in consultation with the Lead Local flood Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding and to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy.

- 11 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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies OSS4 (ii) and CO6 (ii) of the Rother Local Plan Core Strategy.

- 12 No development shall be occupied until the vehicular access serving the development have been constructed in accordance with the approved drawing.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 and TR3 of the Rother Local Plan Core Strategy.

- 13 The development shall not be occupied until parking and turning areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority 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 Policy TR4 of the Rother Local Plan Core Strategy.

- 14 The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

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 Policy TR4 of the Rother Local Plan Core Strategy

- 15 The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

- 16 Within the details required under condition 1, proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally and externally), and a location point, shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to the occupation of any dwellings and thereafter continued, with all bins and containers available and maintained and replaced as need be.

Reason: In the interest of providing sustainable³ development and protect and safeguard the residential amenities and visual amenities of the locality in accordance with Policy OSS4(i), (ii), and (III) of the Rother Local Plan Core Strategy.

- 17 Within the details required under condition 1, the details shall include the provision of 40% affordable housing within the site unless alternative provisions are agreed with the local planning authority.

Reason: To provide required affordable housing to meet local needs in the rural areas in accordance with policy DHG1 of the Development and Site Allocations Local Plan and LHN1 of the Rother Local Plan Core strategy.

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 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 that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless a survey has shown it is certain that nesting birds are not present.
3. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence

against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.

4. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes, East Sussex BN7 2PH.

5. This Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

6. Southern Water require a formal application for connection to the public sewerage system in order to service this development, please read their New Connections Services Charging Arrangements documents which is available to read on their website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

Please also note that no excavation, mounding or tree planting should be carried out within 7 metres of the external edge of the public water main without consent from Southern Water.

7. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.

8. 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.

Application No: RR/2019/2485/P

Decision Date: 5th July 2023

Kemi Erifevisme

**Development Manager
Strategy and Planning
Directorate of Place and Climate Change**

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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.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@rother.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>