



Town and Country Planning Act 1990

## PLANNING PERMISSION

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### AGENT/APPLICANT

Woods Hardwick Planning Ltd  
Attn: Mr Richard Murdock  
15-17 Goldington Road  
Bedford  
MK40 3NH

### APPLICANT

Downoak Trust  
Attn: Farnham; Hopper; Dunkley  
51 Havelock Road

### DESCRIPTION:

Construction of off-site drainage works required in association with the residential development approved under planning ref: RR/2009/322/P

### LOCATION:

Westfield Down - Land at, Westfield

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The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Acts that 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 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 drawings and document:

- Drawing No. 17362-5-200 Rev G (DRAINAGE STRATEGY), dated 23.07.2020.
- Drawing No. 17362-5-201 Rev O (Off Site Drainage Works), dated 23.07.20.
- Drawing No. 17362-5-900-B (SWALE DETAILS), dated 24.07.20.

- Hydraulic calculations (File: 17362\_FLOW DESIGN.PFD), dated 09.07.20.

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.

- 3 No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved tree protection plan.

Reason: A pre-commencement condition is required to preserve the visual amenities of the area, in accordance with policy OSS4 (iii) of the Rother Local Plan Core Strategy 2014 and DEN2 of the Development and Site Allocations Local Plan.

- 4 No site clearance, preparatory work or development shall take place until a Preliminary Ecological Appraisal of the site and its surrounding area - which shall be undertaken in accordance with best practice - has been submitted to and approved in writing by the Local Planning Authority. The Preliminary Ecological Appraisal must:

- Identify any ecological constraints associated with the development.
- Fully detail any mitigation, compensation and enhancement measures required, including methods and responsibility for delivery and timescales for delivery.
- Identify any additional surveys required.

Reason: A pre-commencement condition is required to mitigate and compensate the impact of the development on biodiversity, and to enhance biodiversity, in accordance with policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019, and to ensure no offences are committed under wildlife legislation.

- 5 In the event that the Preliminary Ecological Appraisal referred to in condition 4 above identifies that additional surveys are required, then no site clearance, preparatory work or development shall take place until these surveys - which shall be undertaken in accordance with best practice - have been submitted to and approved in writing by the Local Planning Authority. These surveys must:

- Identify any ecological constraints associated with the development.
- Fully detail any mitigation, compensation and enhancement measures required, including methods and responsibility for delivery and timescales for delivery.

Reason: A pre-commencement condition is required to mitigate and compensate the impact of the development on biodiversity, and to enhance biodiversity, in accordance with policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019, and to ensure no offences are committed under wildlife legislation.

- 6 Any mitigation, compensation and enhancement measures approved by conditions 4 and 5 above shall be carried out in accordance with the approved timescales for delivery.

Reason: To ensure the delivery of any mitigation, compensation and enhancement measures, in accordance with policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019, and to ensure no offences are committed under wildlife legislation.

- 7 No development hereby permitted shall take place until the following foul water drainage details have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details:

- Confirmation of the exact position of the existing foul sewer (as required by Southern Water).
- Measures to be undertaken to protect and/or divert the existing foul sewer (as required by Southern Water).

Reason: A pre-commencement condition is required in order to protect existing drainage apparatus, in accordance with policies OSS3 (ii) & SRM2 (i) of the Rother Local Plan Core Strategy 2014.

- 8 Prior to the completion of the surface water drainage works hereby permitted, a maintenance and management plan for the entire surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Reason: To ensure that arrangements are in place for the ongoing maintenance of the surface water drainage system, in accordance with policy DEN5 (v) of the Development and Site Allocations Local Plan 2019.

- 9 Prior to, or upon completion of the swale hereby permitted, a 1.2m high cleft chestnut post & rail fence (2 rails) shall be erected in the position of the post and rail fence shown on approved Drawing No. 17362-5-201 Rev O (Off Site Drainage Works), dated 23.07.20, and the fence shall thereafter be retained.

Reason: For the safety of pedestrians using public footpath no. 34a and to ensure the satisfactory appearance of the development in this countryside and High Weald AONB location, in accordance with policies OSS4 (iii), RA2 (viii), RA3 (v), CO6 (ii) & EN1 of the Rother Local Plan Core Strategy 2014, and policies DEN1 & DEN2 of the Development and Site Allocations Local Plan 2019.

- 10 The side slopes of the swale hereby permitted shall be vegetated.

Reason: To ensure the satisfactory appearance of the development in this countryside and High Weald AONB location, in accordance with policies OSS4 (iii), RA2 (viii), RA3 (v) & EN1 of the Rother Local Plan Core Strategy 2014, and policies DEN1 & DEN2 of the Development and Site Allocations Local Plan 2019.

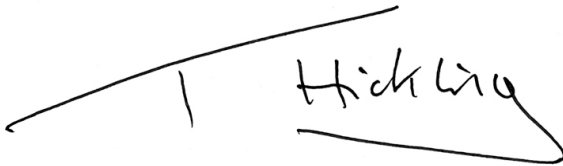
#### NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the 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.

#### Notes:

1. The applicant and/or developer is advised to contact East Sussex County Councils Rights of Way Team by email at [rightsofway@eastsussex.gov.uk](mailto:rightsofway@eastsussex.gov.uk) or by phone on 0345 6080 193 to establish whether temporary footpath closures will be required during the construction works.
2. The applicant and/or developer is advised that a low pressure gas main and an overhead electricity line pass through the site. In relation to the gas main, help and advice on digging safely is available on SGN's website <https://www.sgn.co.uk/>. In relation to the electricity line, help and advice on staying safe is available on UK Power Networks website <https://www.ukpowernetworks.co.uk/>.
3. The applicant and/or developer is advised that in relation to the disposal of foul sewage, a formal application for connection to the public sewage system is required. The application and guidance notes are available on Southern Water's website <https://developerservices.southernwater.co.uk/>.
4. 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).

A handwritten signature in black ink, appearing to read 'T. Hickling', enclosed within a simple, hand-drawn rectangular border.

**Head of Service - Strategy & Planning**

**Application No:** RR/2018/766/P

**Decision Date:** 7th September 2020

## 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](mailto:planningappeals@rother.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto: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>