Application No.  RR/2017/1293/P
Decision Date:  23 October 2018

Town and Country Planning Act 1990

APPROVAL OF RESERVED MATTERS

AGENT/APPLICANT:
John Finch Partnership
Attn: Mr Richard Horley
88 Broomfield Road
Chelmsford
CM1 1SS

APPLICANT
S May Dunkley, East Sussex County Council
And J A Farnham And C
M Hooper, Trustees Of The Down Oak Trust
C/O John Finch Partnership
88 Broomfield Road, Chelmsford
CM1 1SS

DESCRIPTION:
Approval of reserved matters following outline approval RR/2009/322/P - layout, scale, appearance and hard and soft landscaping.

LOCATION:
Westfield Down - Land at, Main Road, Westfield

1 The development hereby permitted shall be carried out in accordance with the following approved drawings and document:
- Drawing no. 11.361/07, dated January 2014, as approved under outline planning permission RR/2009/322/P;
- Drawing no. 3016:TP Revision A (Tenure Plan), dated 06.03.18 (only the Tenure Plan & Schedule is approved);
- Drawing no. 3016:01 Revision L (Site Layout), dated 28.09.18;
- Drawing no. 3016:02 Revision E (Site Sections), dated 16:01:18;
- Drawing no. 3016:03 Revision A (House types 1), dated 02:08:17;
- Drawing no. 3016:04 Revision A (House types 2 detached), dated 02:08:17;
- Drawing no. 3016:05, dated 27:08:17;
- Drawing no. 3016:06 (House types 3), dated 27:08:17;
- Drawing no. 3016:07 (House type 4), dated 27:08:17;
- Drawing no. 3016:08 Revision A (House types 5), dated 27:08:17;
- Drawing no. 3016:09 Revision B (M4 (3 Bungalow), dated 06:11:17;
- Drawing no. 3016:10 Revision B (Flat Types 8, 9, 10, 12, 13 & 14), dated 05:03:18;
- Drawing no. 3016:11 (Garage types), dated 28:07:17;
- Drawing no. 3016:12 (Refusal and cycle storage details), dated 28:07:17;
- Drawing no. 17362-5-SK001-E (PROPOSED LEVELS STRATEGY), dated 27.09.2018;

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- Drawing no. 17362-5-SK003-E (REFUSE VEHICLE TRACKING), dated 30.05.18;
- Drawing no. MAT19812 11D Sheet 1 (Landscape Proposals), dated 10.09.18;
- Drawing no. MAT19812 11D Sheet 2 (Landscape Proposals), dated 10.09.18; and
- ACD ENVIRONMENTAL SOFT LANDSCAPE SPECIFICATION (Document File Ref: MAT19812 spec), dated June 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.

2 No development above ground level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings and outbuildings hereby permitted have been 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 appearance of the development having regard to the site's location within the High Weald AONB, in accordance with Policies OSS3 (vi), OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

3 The retaining wall to the south east boundary of the site shall be constructed of stone-filled gabions.

Reason: To ensure the satisfactory appearance of the development having regard to the site’s location within the High Weald AONB, in accordance with Policies OSS3 (vi), OSS4 (iii) and EN1 (i) of the Rother Local Plan Core Strategy.

4 No surface water shall drain onto the public highway.

Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

5 The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: To avoid prejudice to road safety, in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

6 No part of the development shall be occupied until the 2m wide pathways linking the site to the A28 footpath and PROW, as indicated on approved drawing no. 3016:01 Revision L (Site Layout), dated 28.09.18, have been constructed in accordance with construction details first submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate and safe access arrangements for the development, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved drawings and the cycle parking spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car, in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

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 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. The outline planning permission (application reference RR/2009/322/P) to which this reserved matters permission relates, contains conditions which require details to be submitted and approved prior to the commencement of development. All conditions imposed on the outline planning permission as well as the legal agreement attached to it remain in full force and effect.

2. The landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

3. The landowner and/or developer 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. The landowner and/or developer is advised that a formal connection to the public sewage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development with sufficient capacity within the public sewerage network, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website https://www.southernwater.co.uk/new-connections-charging-consultation for further details.

5. Any proposed works on or abutting the existing highway will require a Section 184 Licence with ESCC, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with ESCC through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.

6. The landowner and/or developer is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant and/or developer is requested to contact the Transport Development Control Team on telephone number 01273 482254 to commence this process. The applicant and/or developer is advised that any works commenced prior to the Section 38 legal agreement being in place are undertaken at their own risk.

7. The landowner and/or developer is advised that if the recreational development on the adjoining site to the north-east is not progressed or is delayed, Public Footpath 34b shall remain available on its currently recorded line both during and after the construction period (or and until a new line can be established by means of a properly made Diversion Order under Section 257 of the Town and Country Planning Act 1990 (as amended).

8. This reserved matters permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 attached to outline planning permission RR/2009/322/P.

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.
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
TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

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.

- As 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 [reference], 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.*

- As 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.*

- As 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.*

- As 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.

* delete where inappropriate