



Application No. RR/2017/2181/P

Decision Date: 4 May 2018

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

AGENT/APPLICANT:

Sea Change Sussex
Attn: Mr J Shaw
Innovation Centre
Highfield Drive
St Leonards on Sea
TN38 9UH

APPLICANT

Sea Change Sussex
Attn: Mr J Shaw
Innovation Centre
Highfield Drive
St Leonards on Sea
TN38 9UH

DESCRIPTION:

Outline: Business park for up to 33,500sq.m (net internal area) of employment floor space (within Use Classes B1 and B2) with roads and ancillary infrastructure and services.

LOCATION:

Buckholt Lane - land at, Bexhill

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 the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.

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).

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

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- 3 Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Applications may be made on a phased basis.

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 3 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:
Application Site Location plan GIS001 - B, dated 19/09/17

Reason: For the avoidance of doubt and in the interests of proper planning as advised in the CLG Guidance document 'Greater Flexibility' for Planning Permissions, 2009.

- 6 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the local planning authority. The purpose of the strategy shall be to establish the effectiveness of buffer zones for badgers, of unlit areas for bats, and of crossing features for dormice by monitoring their continued use by local populations. The content of the strategy shall include the following:

- a) aims and objectives of monitoring to match the stated purpose;
- b) identification of adequate baseline conditions prior to the start of development;
- c) appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measure being monitored can be judged;
- d) methods for data gathering and analysis;
- e) location of monitoring;
- f) timing and duration of monitoring;
- g) responsible persons and lines of communication;
- h) review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: A pre-commencement condition is required as monitoring of the site is essential to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and the NPPF.

- 7 The development hereby permitted shall not begin until a scheme to deal with contamination of land, potential ground gas and potential pollution of controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
- a) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites - Code of Practice.
 - b) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - c) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any on-going monitoring shall also be determined.
 - d) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 - e) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: The details submitted with the application indicate the need for additional testing. Previous uses of the site may have left the land contaminated and in order to avoid risks to health or the environment, investigation and mitigation may be required in accordance with Paragraphs 120-121 of the NPPF and Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

- 8 Pursuant to Condition 1, no development shall commence until a phasing plan has been submitted to, and approved in writing by, the local planning authority which delineates the physical extent of each phase and provides in total for no more than 33,500sqm (net internal floorspace) and including appropriate parking, loading and turning facilities compliant with the adopted East Sussex County Council parking standards.

Reason: To ensure that each phase includes an appropriate parcel of land including buildings, parking and other facilities and landscaping, with associated access links, SuDS and biodiversity space, which together will deliver the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, SRM2, EN1, EN3, EN5 and TR4 in particular of the Rother Local Plan Core Strategy.

- 9 Pursuant to Condition 1, no development shall commence on each phase until the following hard landscaping for that phase have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved:
- a) Proposed finished levels or contours;
 - b) Means of enclosure (fence, hedging etc.);
 - c) Hard surfacing materials (road surface, cycleway, footpath, crossings);
 - d) Minor artefacts and structures (e.g. curbs, street furniture, signs, signals, lighting etc.); and
 - e) Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and TR2 in particular of the Rother Local Plan Core Strategy.

- 10 Pursuant to Condition 1, no development shall commence on each phase until the following soft landscaping and tree planting details for that phase have been submitted to and approved by the local planning authority:
- 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) Planting plans;
 - c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e) Implementation programme.

Reason: To ensure the creation of a high quality environment in accordance with Policy BX3 of the Rother District Local Plan (2006), the North East Bexhill Supplementary Planning Document and Policies OSS4, EN1, EN3 and EN5 in particular of the Rother Local Plan Core Strategy.

- 11 No development shall commence on each phase until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall include the construction programme, haulage routes and the location of all temporary site construction compounds and fences for and access points to the public highway. The compounds and any temporary associated works shall be removed and the land restored to its previous condition within 3 months of completion of works on site unless otherwise agreed in writing by the Local Planning Authority. The approved plan shall subsequently be implemented in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policies OSS4, CO6 and TR3 of the Rother Local Plan Core Strategy.

- 12 No development shall commence on each phase until details of proposed bus provision measures sufficient for that phase have been approved in writing by the Local Planning Authority, and no building shall be occupied until those provisions have been provided in accordance with the approved details.

Reason: To ensure the adequate mitigation of the transportation impacts of the proposal and in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

- 13 No development shall commence on each phase until details of wheel washing facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the commencement of development on that phase and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site.

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

- 14 No development shall commence on each phase until a scheme of the working hours during the construction of that phase 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 7:00am and 7:00pm on Mondays to Fridays inclusive and 7:00am and 1:00pm on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the rural and residential amenities in the vicinity of the site and in accordance with Policy OSS4 of Rother Local Plan Core Strategy.

- 15 No development shall commence on each phase until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The overall drainage strategy should demonstrate that total surface water discharge from the application site will not exceed 16 l/s, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) All the features set out in the surface water drainage strategy, including the use of water treatment stages, (particularly necessary to avoid pollution to the Combe Haven SSSI).
- b) Details to clarify that there will be no increase to discharge rates from Pond 2.
- c) Measures to manage impacts of high groundwater.
- d) Details of how the scheme shall be maintained and managed after completion.
- e) Details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and water bodies downstream (for both the construction and operational phases of the development).

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy.

- 16 No development shall commence on each phase until a plan for the protection and/or mitigation of damage to the Rivers and Streams, and Ponds Priority habitats, both during construction, operation and decommissioning of that phase and including a timetable of implementation and management responsibilities, has been submitted to and approved in writing by the Local Planning Authority. The Rivers and Streams, and Ponds Protection Plan shall be carried out in accordance with the timetable for implementation as approved.

The scheme shall include the following elements:

- a) A detailed method statement including access and materials storage.
- b) Details of the stream diversion and any mitigation of damage proposals.
- c) Details of treatment of site boundaries and buffers around water bodies.
- d) Details demonstrating how the buffer zones will be protected during development and managed/maintained over the longer term.
- e) Details of any new habitat created on site.
- f) Details of any proposed planting scheme, which should be of native species where reasonably practicable bearing in mind access for maintenance.

Reason: To protect the Rivers and Streams, and Ponds within and adjacent to the development site in accordance with Policy EN5 of the Rother Local Plan Core Strategy. Without it, avoidable damage could be caused to the nature conservation value of the site and the Combe Haven SSSI.

- 17 No development shall commence on each phase until details of the new wetland habitats (surface water ponds) proposed as part of the SuDS for that phase, including a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details and timetable for implementation as approved. The scheme shall provide for connectivity to adjacent ponds and watercourses to enhance the potential for breeding and dispersal of reptiles and amphibians on and around this site.

Reason: To ensure that the proposed new wetland habitats, as part of the SuDS, are developed in a way that contributes to the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

- 18 No development shall take place on each phase until an ecological design strategy (EDS) addressing: retention and protection of existing habitats during construction; protection and enhancement of suitable buffer zones for protected species and habitats; provision for wildlife corridors, linear features and habitat connectivity; creation, restoration and enhancement of semi-natural habitats; creation of new wildlife features (e.g. bat roosts, bird nesting features and dormouse bridges); and the provision and control of access, has been submitted to and approved in writing by the local planning authority.
The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this, in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

- 19 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To ensure badgers are not trapped and harmed on site and to prevent delays to site operation in accordance with Policy EN5 of the Rother Local Plan Core Strategy and NPPF paragraphs 109 and 118.

- 20 No development shall commence on each phase until a landscape management plan, including long-term design objectives, management responsibilities and a timetable for implementation and maintenance schedules for all landscaped areas related to that phase has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved, in accordance with the agreed programme and timetable of implementation and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) Provision and maintenance of an 8m buffer zone alongside the main river, Combe Haven;
- b) Details of any new habitat created on site;
- c) Details of maintenance regimes;
- d) Details of treatment of site boundaries and/or buffers around water bodies;
- e) Details of any proposed planting scheme, which should be of native species where reasonably practicable, bearing in mind access for maintenance.
- f) Details of management responsibilities.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy EN5 of the Rother Local Plan Core Strategy, paragraphs 109 and 118 of the NPPF and article 10 of the Habitats Directive.

- 21 No development shall commence on each phase until a Construction Environmental Management Plan (CEMP) for that phase that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

- a) The timing of the works;
- b) The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution);
- c) A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works;
- d) Any necessary mitigation for protected species;
- e) Construction methods;
- f) Any necessary pollution protection methods; and
- g) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved CEMP.

Reason: To ensure environmental impacts of construction are prevented or minimised in accordance with Policy EN5 of the Rother Local Plan Core Strategy.

- 22 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats, badgers and dormice, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed unless a separate permission has been granted by the local planning authority.

Reason: Bats, dormice and badgers are present on site and are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to Policy EN5 of the Rother Local Plan Core Strategy and paragraphs 109 and 118 of the NPPF.

- 23 No development shall commence on each phase until a comprehensive energy strategy for that phase has been submitted and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To deliver high levels of energy performance and ensure low carbon or renewable energy generation is pursued in accordance with Policy SRM1 of the Rother Local Plan Core Strategy.

- 24 No development shall commence on each phase until the developer has secured the implementation of a programme of archaeological work for that phase, in accordance with a Written Scheme of Archaeological 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 in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

- 25 Each phase of the development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 24 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the NPPF.

- 26 If within a period of 5 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 itself and to safeguard the characteristics of the general area on the Hastings ridgeline in accordance with Policy GD1 of the Rother District Local Plan (2006).

- 27 Each phase of the development hereby permitted shall not be brought into use until the associated connections to the adjoining Public Rights of Way and proposed cycleway and footpaths for that phase have been completed in full accordance with the details approved by the reserved matters, unless otherwise agreed in writing by the Service Manager - Strategy and Planning.

Reason: To ensure the provision of walking and cycling facilities in accordance with Policy BX3 of the Rother District Local Plan (2006), North East Bexhill Supplementary Planning Document and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

- 28 The plans and particulars submitted in accordance with Condition 1 shall include a Travel Plan, detailing the provision of alternative transport arrangements to enable access to and from the site other than by car.

Reason: In the interests of providing a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policy TR2 of the Rother Local Plan Core Strategy.

- 29 The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) by Campbell Reith, dated September 2017, unless subsequently varied and otherwise approved in writing by the local planning authority, and the following mitigation measures detailed within the FRA:
- As stated in section 2.9.4 and figure 2.3 and 6.1, the sequential approach whereby all development is located in Flood Zone 1 must be adhered to.
 - As stated in section 2.9.4 where all proposed development must have a minimum buffer distance of 8m from the main river.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the local planning authority in association with the Environment Agency.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and the future occupants in accordance with Policy EN7 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 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:

- The application includes a 'Parameters Plan, drawing no. (08)003 rev. A, dated 24/01/2018 and a later submission, rev.B, dated 20/03/2018 (with marginal differences only). For the avoidance of doubt, the parameters plan is accepted for the purposes of accompanying the Environmental Impact Assessment (EIA) only. It is not accepted as an indication of the extent of the developable areas, which cannot be clearly identified in the absence of detailed proposals to establish the areas and buffer zones required for landscaping and biodiversity purposes to mitigate the development. Those matters will be established at reserved matters stage.

2. In relation to Condition 13, special attention will be required to the water quality and ecological elements of the SUDS design to protect the downstream Combe Haven SSSI. With regard to the detailed design the developer is referred to the comments of the Lead Local Flood Authority (ESCC) in their letter of the 8th February 2018.
3. In relation to Condition 14, these rivers and streams, as headwaters of rivers, are ecologically unique and important habitats which provide a vital link into a protected Biodiversity Action Plan (BAP) habitat, Coastal and Floodplain Grazing Marsh, and an ecological corridor for protected species such as Great Crested Newt. For this reason the Sussex BAP seeks to avoid fragmentation or truncation of linear migration routes and construction of barriers to movement such as roads and culverts. Buffer zones need to be measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal ground levels, structures, hard standing, footpaths, fences, lighting or overhanging development and should not include formal landscaping. The buffer zones need to be designed and managed to develop a natural character or left to colonise and regenerate naturally as a natural area for wildlife. Please see the advice of the Environment Agency regarding biodiversity in their letter of 8th November 2017.
4. In relation to Condition 18, 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 absolutely certain that nesting birds are not present.
5. In relation to Condition 18, 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.
6. In relation to Condition 18, 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.
7. In relation to Conditions 20 and 21, 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 Annexe 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 or telephone 01273 481608.



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8. The applicant is advised that they will need an Environmental Permit for Flood Risk Activities, especially where works are within the 8m buffer distance of the main river, including the new and upgraded bridges, resurfacing of rights of way, trees/planting and any other works. For further advice please contact PSOEastSussex@environment-agency.gov.uk
9. Given the close proximity to the main river and flood zones, consideration should be given to the use of flood proofing measures to reduce the impact of flooding when it occurs.
10. The applicant is reminded that an Order will be required to stop up Buckholt Lane.
11. For the avoidance of doubt, the applicant is advised that the design, layout, and access information submitted with the application, namely Drawing No. (08) 005 Indicative Masterplan - which indicates access and circulation arrangements within the site, disposition of development, building footprints and broad landscaping. Drawing No's. (08) 007 and (08) 008 Indicative Sections - which indicates scale and heights of buildings. Design & Access Statement are not approved.
12. 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

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/pes.

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.