



Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT

Verve Planning Ltd
Attn: Ms Helen Greenhalgh
60 High Street
Wimbledon
London
SW19 5EE

APPLICANT

Artemis Design & Build Ltd
50 Quinnell Drive
Hailsham

BN27 1QN

DESCRIPTION:

Demolition of existing buildings and redevelopment of site to provide 12 residential units, car parking, cycle and refuse facilities and associated works.

LOCATION:

Former Ashwood Nursing Home, Heathfield Road, Burwash Common, Burwash

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 plans and details:

Drawing No. 1531-01 revision C dated 24.09.20
Drawing No. 1531-02 dated March 2020

Drawing No. 1531-03 dated March 2020
Drawing No. 1531-04 revision B dated 24.09.20
Drawing No. 1531-05 revision B dated 24.09.20
Drawing No. 1531-06 revision B dated 24.09.20
Drawing No. 1531-07 revision B dated 24.09.20
Drawing No. 1531-08 revision C dated 09.11.20
Drawing No. 1532-01 revision C dated 24.09.20
Drawing No. 1532-02 dated March 2020
Drawing No. 1532-03 dated March 2020
Drawing No. 1532-04 revision B dated 24.09.20
Drawing No. 1532-05 revision B dated 24.09.20
Drawing No. 1532-06 revision C dated 09.11.20
Drawing No. 1532-07 revision B dated 24.09.20
Drawing No. 1532-08 revision B dated 24.09.20
Drawing No. 1932/03 revision B dated December 2019
Drawing No. 1932/09 revision D dated 8 February 2021
Drawing No. 1932/11 revision E dated 8 February 2021
Drawing No. 1932/12 revision G dated 22 March 2021
Drawing No. 1932/13 revision D dated 22 March 2021
Drawing No. 1932/14 revision E dated 8 February 2021
Drawing No. 1932/15 revision C dated 8 February 2021
Drawing No. 1932/16 revision B dated 22 March 2021
Drawing No. 1932/17 revision C dated 9 October 2020
Drawing No. PD-MLP-001 Revision E dated 6 October 2020

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

- 3 No development of the relevant phase 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.

- 4 If contamination is found at any time that was not previously identified when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice guidance and where remediation is necessary, a remediation scheme must be prepared and submitted for prior approval in writing to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared and submitted for the approval in writing of the Local Planning Authority.

Reason: 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 Policy OSS3 (viii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother District Council Development and Site Allocations Local Plan.

- 5 Prior to the commencement of the relevant phase of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of residential properties within the vicinity of the proposed development and prevent nuisance from noise and dust in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother District Council Development and Site Allocations Local Plan.

- 6 No development shall commence until details of infiltration testing, as detailed within the Waller Gray Consulting Flood Risk Assessment and Drainage Strategy dated 09.10.2020 (reference WG1281), have been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. Provided infiltration is demonstrated to be suitable, this method of surface water disposal shall be utilised throughout the development, as detailed within the Waller Gray Consulting Flood Risk Assessment and Drainage Strategy dated 09.10.2020 (reference WG1281). Only if infiltration is demonstrated not to be suitable shall the existing connection to the foul sewer be utilised, in accordance with the details set out in the Waller Gray Consulting Flood Risk Assessment and Drainage Strategy dated 09.10.2020 (reference WG1281).

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, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy.

- 7 The surface water drainage scheme shall prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding in accordance with Policy DEN5 of the Rother District Council Development and Site Allocations Local Plan.

- 8 No development of the relevant phase shall commence until tree protection measures have been provided on-site in accordance with the details set out in Sections 13, 14 and 15 and Appendix 4 (drawing no. J58.12/02 Revision B dated 09/10/2020) of the Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited dated 13th October 2020 (reference J58.12) unless otherwise agreed in writing with the local planning authority. The approved tree protection measures shall be retained in situ for the duration of the construction

works. For the avoidance of doubt, no machinery or materials or any other construction activities shall take place on the later phases of the development until tree protection measures have been provided on-site in accordance with the details set out in Sections 13, 14 and 15 and Appendix 4 (drawing no. J58.12/02 Revision B dated 09/10/2020) of the Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited dated 13th October 2020 (reference J58.12) unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of trees during construction and thus protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan.

- 9 No development shall commence in respect of each of the three phases until the vehicular access to serve that phase of development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.

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

- 10 Plots 1 and 2 in the first phase of the development hereby permitted shall consist of self-build dwellings.

Reason: Plots 1 and 2 are proposed as self-build units which will help meet the need for this type of housing in the District in accordance with Paragraph: 038 Reference ID: 57-038-20210508 of the Planning Practice Guidance.

- 11 No development above DPC level in respect of the third phase of the development, as indicated on drawing no. 1932/16 revision B dated 22 March 2021, shall commence until a noise survey with appropriate mitigation measures for the plots 6-12 dwellings has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: To protect the occupiers of the third phase of the development from traffic noise on the A265 in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DEN7 of the Rother District Council Development and Site Allocations Local Plan.

- 12 During the construction phase of the development, no works or deliveries to/from the site shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and no works or deliveries on Sundays or Bank Holidays.

Reason: To protect the amenity of residential properties within the vicinity of the proposed development and prevent nuisance from noise and dust in accordance with Policy OSS4 (ii) of

the Rother Local Plan Core Strategy and Policy DEN7 of the Rother District Council Development and Site Allocations Local Plan.

- 13 No above ground works shall commence in respect of each of the three phases until details of the following have been submitted and approved by the local planning authority, and the development shall thereafter be completed in accordance with the approved details:

- a. 1:10 scale drawings of proposed details including fenestration, dormer windows, eaves details, porches, and chimneystacks.
- b. Samples of the materials to be used in the construction of all external faces of the buildings, including the clay tiles to be used for the roof tiles and tile hanging.
- c. The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, and to protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan.

- 14 Notwithstanding the information on the approved Site Layout Drawing No. 1932/12 Rev G, and on Planning Master Landscape Plan Drawing No. PD-MLP-001 REV E, no above ground works shall commence in respect of each of the three phases until the following public realm and hard landscaping details have been submitted and approved by the local planning authority, and the development shall thereafter be carried out as approved:

- a. Boundary treatments (plot and other) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such. This shall include the provision of front boundary hedges to plot 3 (facing B2181), and to the south of plots 6, 7 and 8 (facing A265).
- b. Hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstandings).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan.

- 15 Notwithstanding the information on Planning Master Landscape Plan Drawing No. PD-MLP-001 REV E, no above ground works shall commence until the following soft landscaping details have been submitted to and approved in writing by the local planning authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:

- a. Planting plans, including landscape and ecological mitigation (buffer planting and green

buffers)

b. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

c. Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment).

Reason: To ensure the creation of a high quality public realm and landscape setting, that enhances the landscape and scenic quality of the High Weald AONB, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan.

- 16 The dwellings hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the local planning authority to demonstrate that the dwellings has been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwellings is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.

- 17 The dwellings hereby permitted shall not be occupied until they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure that an acceptable standard of access is provided to the dwellings in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

- 18 No phase of the development shall be occupied until the access serving that phase has been provided with visibility splays of 2.4 metres by 120 metres to the north of the site vehicular access serving that phase onto the C214 and the visibility splays shall be cleared of all obstructions exceeding 600mm in height and kept clear thereafter, in accordance with the plans that shall have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.

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

- 19 No phase of the development shall be first occupied until the access serving that phase has been provided with clear sightlines to the junction of the A265/C214, from a setback position of 2.4 metres and the visibility splays shall be cleared of all obstructions exceeding 600mm in

height and kept clear thereafter.

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

- 20 No phase of the development shall be occupied until parking areas for that phase have been provided in accordance with the approved plans and details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

- 21 The parking spaces hereby permitted shall measure at least 2.5m by 5m (add an extra 50mm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

- 22 No part of the development shall be occupied until a wildlife enhancement plan has been submitted to and approved in writing by the local planning authority, in line with paragraph 4.8 of the Ecological Survey by Martin Newcombe dated 1st June 2020 (revised 26th July 2020). The wildlife enhancement measures shall be provided in accordance with the approved details and in line with the approved timeframe.

Reason: The Ecological Survey submitted with the application identifies opportunities to improve biodiversity in and around the development, which should be integrated as part of their design, in accordance with Policy EN5 of the Rother Local Plan core Strategy and Policy DEN4 of the Rother District Council Development, Site Allocations Local Plan and paragraphs 174 (d) and 180 (d) of the National Planning Policy Framework.

- 23 No part of the second and third phases of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policies SRM1

(vii), TR2 and TR3 of the Rother Local Plan Core Strategy.

- 24 Prior to the occupation of each of the three phases of the development, details of the provision of electric vehicle charging infrastructure shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: Reason: To encourage and promote sustainable transport in accordance with Policies SRM1 (vii), TR2 and TR3 of the Rother Local Plan Core Strategy.

- 25 Prior to the occupation of the development, the footways adjoining the site shall be cleared of all vegetation to maintain footway widths.

Reason: To ensure the safety of pedestrians entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.

- 26 No phase of the development hereby permitted shall 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) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 3.

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.

- 27 If within a period of 10 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, 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 and the landscape of the High Weald AONB in accordance with policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK:

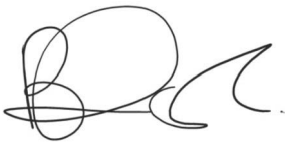
In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the 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 will be required to enter a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
2. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
3. The applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and/or Accessibility and Wheelchair Housing Standards are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.
4. 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.
5. 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. 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. 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.



Director of Place and Climate Change

Application No: RR/2021/1608/P

Decision Date: 20th December 2021

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>