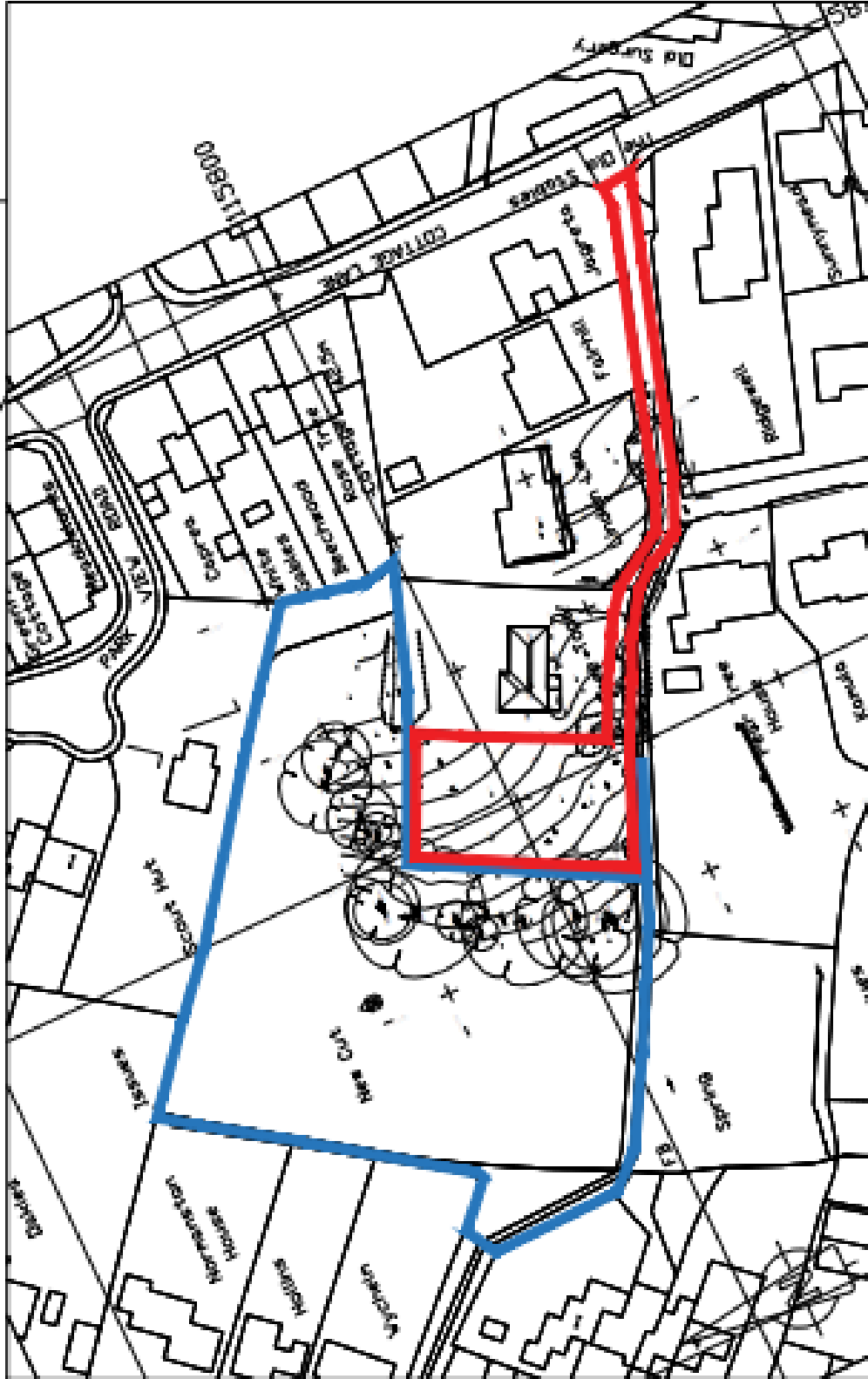


SITE PLAN

WESTFIELD

RR/2023/1021/P

Tree Tops – Land adj
Cottage Lane
Westfield



Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1021/P
Address	-	Tree Tops - Land adj, Cottage Lane, Westfield
Proposal	-	Approval of reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning permission RR/2021/1625/P for the erection of a single storey dwelling.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (RESERVED MATTERS – SUBJECT TO CONDITIONS)**

Director: Ben Hook

Applicant: Mrs B. Lawson
Agent: CLM Planning
Case Officer: Rossella De Tommaso
(Email: rosselladetommaso@rother.gov.uk)

Parish: WESTFIELD
Ward Members: Councillors B.J. Coupar and C.R. Maynard

Reason for Committee consideration: Director – Place and Climate Change referral: Councillor Call in.

Statutory 8-week date: 5 July 2023
Extension of time agreed to: 17 March 2024

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This is a reserved matters application. The principle of erecting a single storey dwelling, at the application site, was established by outline permission on 30 May 2022.
- 1.2 This application discusses the details of the development relating to access, appearance, landscaping, layout, and scale.
- 1.3 The view is taken that the dwelling is of an acceptable scale and design for the site and surrounding area. It does not unreasonably harm the amenities of

neighbouring properties. The issues regarding the impact of the development on the footpath (discussed below in the report) have been resolved. As such, the development is acceptable, and accordingly it is recommended that planning permission be granted subject to conditions.

2.0 SITE

- 2.1 The application site is a plot of land located northeast of 'Tree Tops' on Chapel Lane. It is enclosed by residential development in Cottage Lane to the south-east, New Cut to the north-west and Park View Road to the north-east. Dwellings in the surrounding area vary in size, style, design, age, and materials, and sit within a variety of plot sizes. There is no single unifying character.
 - 2.2 Access to the site is from a right of way crossing the land at Tree Tops and off Chapel Lane. The whole of the private road is also the route of a public right of way (public footpath 30 – the designated route of the 1066 walk), which runs along the southwestern boundary of the site connecting New Cut to Cottage Lane.
 - 2.3 The site is visible from properties in the surrounding roads and from the public footpath. There are a number of trees of varying species, size, age and visual significance adjacent to the site, many of which are the subject of a Tree Preservation Order (TPO No. 192).
 - 2.4 Levels fall away from Cottage Lane to a watercourse, which runs past the north-western boundary of the site.
 - 2.5 Levels then rise up to the properties in New Cut. The site is on the edge of the village of Westfield, with the main part located just outside of the development boundary for Westfield. It therefore lies within the countryside.
 - 2.6 The whole of the village and surrounding countryside lies within the High Weald Area of Outstanding Natural Beauty (AONB).
 - 2.7 The site is also an amber site for Great Crested Newts.
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3.0 PROPOSAL

- 3.1 This application is seeking permission for the Reserved Matters relating to access, appearance, landscaping, layout and scale for the single dwelling granted outline permission on 30 May 2022 under Application No. RR/2021/1625/P. While all matters were reserved in the outline application, the application was supported by illustrative plans to show that the site could accommodate one dwelling.
- 3.2 Amended plans have been received to address the objection initially raised by the East Sussex County Council (ESCC) Rights of Way Officer. The application was subject to further public re-consultation upon receipt of the amended details.
- 3.3 The plans and details accompanying this submission include:

- Application form.
- Existing Plans and Elevation (Drawing No. SK1 rev. B).
- Proposed Plans and Elevation (Drawing No. SK2 rev. B).
- Proposed Ground Floor Plan (Drawing No. SK3 rev. A).
- Proposed Roof Plan (Drawing No. SK4 rev. A).
- Proposed Access Drive Details. (Drawing No. SK5 rev D) (requested by the Local Planning Authority).
- Construction management Plan (requested by ESCC Footpaths Officer).

4.0 HISTORY

- | | | |
|------|----------------|---|
| 4.1 | A/49/324 | Bungalow – GRANTED. |
| 4.2 | A/55/289 – | Outline: permission to erect four dwellinghouses – GRANTED. |
| 4.3 | A/59/783 | Outline application: new road and 21 dwellings (14 houses and 7 bungalows) – REFUSED. |
| 4.4 | A/62/929 | Outline four dwellings – REFUSED. |
| 4.5 | A/67/26 | Five bungalows and garages – REFUSED. |
| 4.6 | A/67/811 | Outline application: council housing with garages and parking spaces – GRANTED. |
| 4.7 | A/69/406 | Proposed erection of detached bungalow and garage – GRANTED. |
| 4.8 | A/72/1219 | Outline: two dwellings and garages – REFUSED. |
| 4.9 | RR/76/1803 | Outline: erection of pair of semi-detached bungalows – REFUSED. |
| 4.10 | RR/87/2929 | Erection of dwelling and garage served by improved existing access – REFUSED. |
| 4.11 | RR/2019/347/P | Construction of five 5-bedroom detached houses with associated landscaping and parking – REFUSED. |
| 4.12 | RR/2021/1625/P | Outline application with all matters reserved for the erection of a single storey dwelling – GRANTED. |

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development
 - OSS2: Use of Development Boundaries
 - OSS3: Location of Development
 - OSS4: General Development Considerations

- RA1: Villages
- RA2: General Strategy for the Countryside
- RA3: Development in the Countryside
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN7: Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:

- DHG3: Residential Internal Space Standards
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations together with the High Weald AONB Management Plan 2019-2024 and the High Weald Design Guide (November 2019).

5.4 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area.

6.0 CONSULTATIONS

6.1 Westfield Parish Council: **OBJECTION**

The latest comments were received on 8 February 2024 and they relate to Matthew Harper’s (Rights of Way officer) latest comments:

- Matthew Harper acknowledges driveway improvements but maintains concerns about potential damage to neighbouring properties and in respect to the suitability of the access for construction vehicles – a condition should be imposed to prevent the footpath bank to deteriorate.
- Unclear drawings and lack of permission for installations of posts. The post does not protect the lower part of the bank or driveway being damaged.
- The narrow turning space raises doubts about manoeuvring larger construction vehicles without causing damage.
- The Construction Management Plan mentions a temporary access point, but its suitability is questioned along the rights of way (RoW).

- e. Plans for a new driveway lack permission from Tree Tops landowners.
- f. Harper withdraws the objection conditionally, but since the driveway cannot be constructed without permission, the Parish Council questions the basis for granting planning permission.
- g. If planning permission is granted a pre-commencement condition should be used driveway would have to be “completed prior to the commencement of any development on the site.

6.2 Comments received on 22 November 2023 raised the following issues: (summarised)

- a. Access into the property poses a problem, as the owner of Tree Tops does not permit any hard surface to be built on her land, and the proposed concrete curb would not adequately address concerns about access for large construction vehicles.
- b. Concerns about the wet condition of the RoW and the potential for the outer bank to collapse under the weight of heavy traffic and construction materials.
- c. Issues with the lack of clarity and detail in the Construction Management Plan (CMP), including insufficient protection for trees, inadequate access for site offices and vehicles, insufficient signage for footpath users, concerns about lighting, CCTV placement, and the impact on nearby residents.
- d. The need for clarification on sewerage and foul water management from the new site.

6.3 Comments received on 15 June 2023 raised the following issues (summarised)

- a. The Parish Council expresses significant concerns regarding this reserved matters application. They highlight the lack of detail, particularly regarding access to the site as required by Conditions 5 and 8 of the decision notice. They note objections from the Principal RoW Officer due to insufficient footpath protection details.
- b. The Council asserts that the application should be refused until comprehensive details addressing all key matters are submitted. Concerns also arise regarding the limited space for vehicles, uneven levels, and potential risks to public safety, especially concerning larger construction vehicles. They question the safety of site construction given the existing conditions.
- c. Additionally, they point out inaccuracies in the block plan and the need for clarity on service installations. They request the matter be brought before the Planning Committee and advocate for a site visit to assess access and level issues.

6.4 Waste & Recycling: **NO OBJECTION** “*There does not appear to be any issues, collection point will need to be determined nearer completion.*”

6.5 Romney Marshes Area Internal Drainage Board: **NO RESPONSE**

6.6 Public Notice:

6.6.1 11 Letters of objection have been received. The comments are summarised as follows:

- Lane not suitable for heavy vehicles or domestic use.

- Very little of the reserved matters agenda appears to have been addressed.
- Foundations for the driveways looks inadequate.
- Refuse collection not taken into account.
- The adjacent Footpath 30 – 1066 footpath will be compromised.
- Damage to Tree Tops front garden.
- Damage to the shrubs and hedges along the footpath.
- Using any unlevel section of the banked RoW poses an unsuitable danger to those using the 1066 footpath.
- Flooding.
- Unclear plans in respect of sewerage and surface water drainage.
- Further clarification is required in relation to the provision of any other utilities - gas, electricity etc and how this affects Tree Tops.
- The proposed mitigations are not sufficient to stop the bank sliding or collapsing onto the 1066 footpath.
- Light pollution.
- Highways safety.
- The driveway from Cottage Lane (Chapel Lane) is maintained by the residents and is not adequate in strength or design to carry heavy loads on a regular basis without causing damage.
- The access Lane to the site is unsuitable for additional development.
- Additional traffic dangerous for disabled people using the Lane and footpath.
- Access should be sought elsewhere.
- Harm to the AONB.
- The owls and bats will be disrupted and will leave.
- Disruption during construction.

6.6.2 One Letter of support has been received. The comments are summarised as follows:

- Land Register Title number ESX175157 confirms Reserved right of way dated 14 December 1971, (right of way at all times and all purposes with or without vehicles), also right to use all sewers drains watercourses wires cable and pipes and other services laid or passing over through or under the land).

6.6.3 One Letter with general comments has been received. The comments are summarised as follows:

- The existing track shows that there is sufficient space.
- Tractors and trailers have been used it in the past and will continue to do so.
- The access connects to Tree Tops drive not the 1066 footpath.
- Anyone can apply for planning on land whether they own it or not. The officer will only look at the application.

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £37,684.24.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus was paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 APPRAISAL

8.1 The principle of constructing a detached dwelling on the land has been established by the granting of outline planning permission (RR/2021/1625/P).

8.2 As such, there can be no objection to the principle of the development. The main considerations in this instance relate to the reserved matters, namely the layout, appearance, landscaping, access, and any residual impacts to neighbouring amenities.

8.3 Therefore, the application is assessed under the following issues:

- Layout, Character, and Appearance
- Residential Amenity
- Living condition for future occupiers
- Trees, Landscaping and Environmental considerations
- Highway safety, access, and parking provision

8.4 *Layout, Character, and Appearance*

8.5 Policy RA3 (v) of the Rother Local Plan Core Strategy requires that any development is of an appropriate scale and does not adversely impact on the landscape and natural resources of the countryside.

8.6 Policies OSS4 (iii) & EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the DaSA Local Plan seek, amongst other matters, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.

8.7 Policy DEN2 of the DaSA states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.

8.8 The application site is located at the edge of the development boundary of Westfield. The character of the surrounding area exhibits a diverse architectural character as well as a diverse pattern of development.

8.9 The proposed dwelling is a detached bungalow (single storey) set back into the site. The scale of the proposed dwelling is comparable to the scale of other dwellings nearby and it indicates a standard design in line with the existing architectural language of the area. The proposed materials are indicated as brickwork for the walls and concrete tiles for the roof. While it is understood that concrete tiles are present in the local area, concrete tiles have been used in development predating the designation of the area as an AONB (October 1983) and prior to the introduction of the High Weald Housing Design Guide (November 2019). Therefore, the use of concrete tiles is deemed unsuitable within the National Landscape of the High Weald AONB, and a condition is added to these recommendations to ensure the use of suitable materials.

- 8.10 The layout of the site includes adequate private amenity space, sufficient parking and turning spaces and adequate separation distances from the neighbouring dwelling to the west (Tree Tops). The building will have a front elevation that faces the footpath, and it would retain a consistent building line with Tree Tops to the west.
- 8.11 As such, it is considered that the layout and appearance of the proposed dwelling and the site are acceptable and would not cause harm to the character and appearance of the area, including the AONB.
- 8.12 *Impact on neighbouring residential amenities*
- 8.13 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.14 Tree Tops is the neighbouring detached bungalow positioned to the east of the application site. This property features a front garden and a driveway accessible from Chapel Lane. A vehicular right of way exists between the footpath and Tree Tops' front garden, permitting access to the application site.
- 8.15 The proposed bungalow is positioned along the side of Tree Tops and the size is comparable to this property therefore it is considered that no significant issues would arise from this development in terms of overlooking, loss of privacy, outlook, loss of light or overshadowing.
- 8.16 A degree of harm is anticipated to arise during the construction phase of the driveway, with adverse impact in terms of noise and disruption especially for the neighbours at Tree Tops; however, it is considered that this harm is temporary, and the noise and disturbance will be mitigated according to the expectations outlined in the Construction Management Plan. Therefore, it is deemed acceptable.
- 8.17 Vehicle movement to and from the site already occurs and has the potential of occurring with the same frequency of when a dwelling is erected/used therefore it is reasonable to conclude that the harm arising from the operational phase of the development is neutral, resulting in considering the proposal falling within an acceptable tolerance level.
- 8.18 In summary, it is not considered that the proposals would cause detrimental harm to the neighbouring amenities of Tree Tops or other residential properties nearby the site.
- 8.19 Other
- On a separate matter, Westfield Parish Council and the neighbour resident at Tree Tops have advised that the construction of the driveway is subject to the owner of Tree Tops approval. The owner of Tree Tops has objected to the development and advised that permission to build on the section of garden in question will not be given.
- 8.20 They request the addition of a pre-commencement condition if planning permission is granted which allows for the construction of the dwelling only upon completion of the driveway.

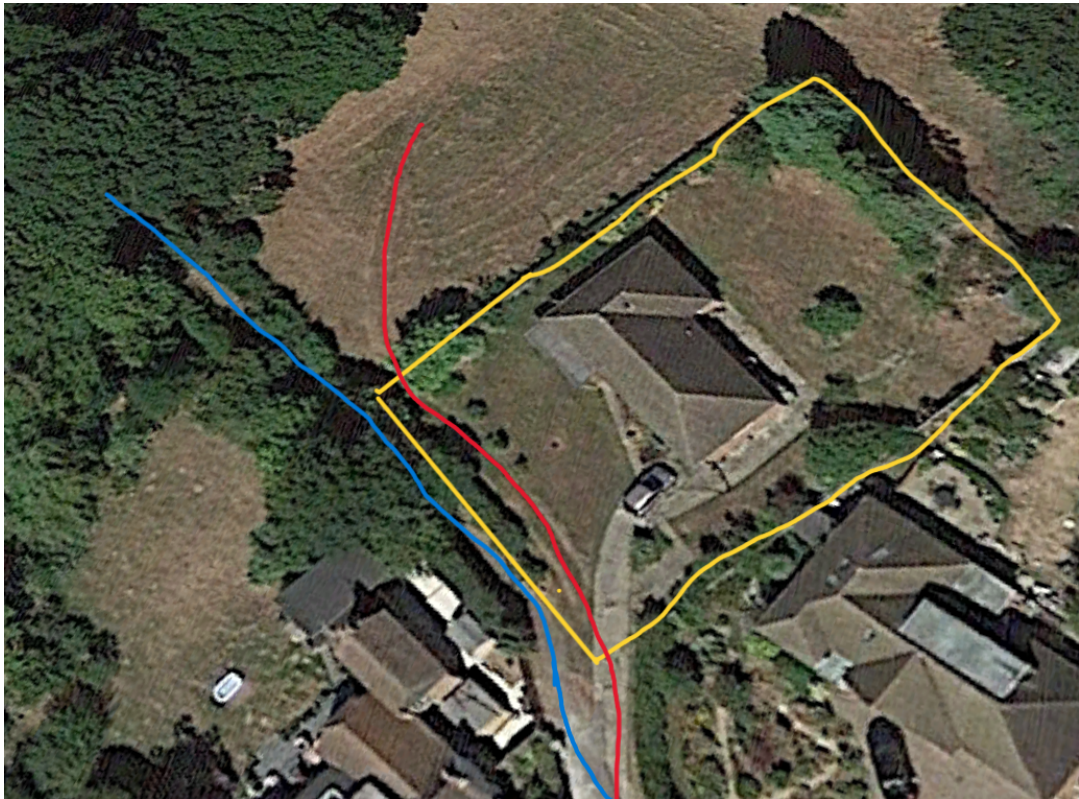
- 8.21 Ownership/rights of way matters are private legal matters which the Local Planning Authority can note but cannot consider when determining an application.
- 8.22 Planning Practice Guidance states that '*The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.*'

Paragraph: 027 Reference ID: 14-027-20140306
Revision date: 6 March 2014

- 8.23 In this particular case, the Applicant notified the owners of Tree Tops when they applied for Outline planning permission. Reserved Matters applications are a follow-up submission, and they are not, in legal terms, a planning application. They do not have to be made on an application form (but they usually are) and ownership certificates are not required.
- 8.24 In this instance whether or not the development (if approved) can go ahead is something to be decided by the landowners privately.
- 8.25 *Living conditions for future occupiers*
- 8.26 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.27 Policy DHG3 and DHG7 of the DaSA Local Plan outline the internal and external space standards that new dwellings should adhere to in order to provide high quality living accommodation.
- 8.28 Paragraph 135 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users. The dwellings would meet and exceed the internal floor space required by the internal space standards. The dwellings would also benefit from a large rear garden exceeding 10m in depth. Details of refuse storage have been provided and considered acceptable. Cycle parking can be secured by way of a planning conditions.
- 8.29 Therefore, it is concluded that the proposed dwelling would provide adequate living conditions for future occupiers.
- 8.30 *Trees, Landscaping, and ecology considerations*
- 8.31 The site is set in a location just outside of any defined settlement boundary and is therefore designated as being within the countryside. There are a number of trees on the land adjacent to the site but none within the site where the proposed dwelling is proposed to be erected. Some of these trees are covered by a TPO.

- 8.32 Paragraph 180 of the National Planning Policy Framework (2024) states that planning decisions should recognise the intrinsic character and beauty of the countryside. This assumption is reflected in Local Plan Policy EN3, any planning application will be refused if harm is caused to the overriding character and appearance of the rural landscape.
- 8.33 The dwellinghouse would be set back from the lane and screened by vegetation towards the front of the site, including an established hedgerow to the front (southern) boundary that shall be retained.
- 8.34 The proposal is not accompanied by a tree report. Although there seems to be sufficient distance between the existing trees and the proposed development it is considered necessary to ensure, by way of a condition, the protection to those trees and their roots, this protection should ensure that the existing trees and hedgerow along the footpath are also protected.
- 8.35 A further condition should be added requiring details of a proposed landscape which is lacking in this submission.
- 8.36 In terms of ecology, the scheme is minor and within an amber zone for Great Crested Newts therefore a precautional approach should be followed if permission is granted/implemented and an informative is added to this report concerning this aspect.
- 8.37 *Highway safety, access, and parking provision*
- 8.38 Policies CO6 (ii) & TR3 of the Rother Local Plan Core Strategy and Policy DHG12 (i) of the DaSA Local Plan seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.
- 8.39 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances.
- 8.40 Condition 8 of Outline Permission RR states:
- 8.41 *'No development shall commence until details showing the proposed access and the tie-in to the junction with Chapel Lane/Public Footpath Westfield 30, including details of the profile, levels and proposed construction shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of Chapel Lane/Public Footpaths in accordance with paragraph 100 of the National Planning Policy Framework.'*
- 8.42 The application proposal indicates that the 3-bed bungalow would benefit from two parking spaces and turning facilitates directly at the front of the bungalow. This is considered to be reasonable, compatible with ESCC Highways guidance and it is therefore accepted.
- 8.43 As explained before in this report this site is accessible by a vehicle right of way crossing the neighbouring garden at Tree Tops. Its exact position is between the footpath and the lower part of the neighbouring garden. The aerial view from Google Earth is appended below to this paragraph for easy reference. The colour blue indicates the footpath, the colour red indicates the right of way and

the colour yellow indicates approximately the land owned by the resident at Tree Tops.



- 8.44 The access point and the implication of the proposed works on the footpath and the potential damage created to the front garden of Tree Tops have been extensively highlighted by neighbours and by Westfield Parish Council.
- 8.45 The Local Planning Authority has requested additional information regarding the access following the concerns raised by ESCC RoW officer who has reviewed the application and subsequent additional information three times. All consultations can be viewed on the Council's website. The latest information submitted by the Applicant includes a Construction Management Plan and specification of the construction of the driveway which includes kerbing and foundations and a post to prevent the corner being cut at the interface with the public footpath.
- 8.46 The ESCC RoW officer stated that *'Provided vehicle movements are marshalled in accordance with the construction management plan, I am also satisfied that the safety of pedestrians using the public footpath will be adequately protected.'*
- 8.47 Therefore, the objection initially raised was removed subject to two conditions – one which aims to ensure that the footpath remains open and available at all times and - two requires that the construction of the access in accordance with plan 'Proposed Access Drive Details (Drawing No. SK 5 / revision D)' is to be completed prior to the commencement of any development on the site.
- 8.48 This condition is also reiterative by the Parish Council if the application is to be approved.
- 8.49 For clarification and to respond to one of the points raised by the Parish Council, concerning the alternative access for construction vehicles, the Applicant's

agent has clarified that paragraph 5.3.1 (*A temporary construction access point is required for the proposed development*) of the Construction Management Plan submitted is incorrect and should be disregarded. The RoW is to be used by the construction vehicles and there are no alternative access points proposed.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 National guidance states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the National Planning Policy Framework provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.3 In this instance the principle of erecting a dwelling at the application site was established under RR/2021/1625/P on 30 May 2022 and remains extant.
- 9.4 With this application the elements discussed highlight that provided that adequate conditions are met to cover the main elements listed below the development will have no significant adverse impacts.
- The access/driveway is constructed prior to any development.
 - Appropriate drainage/surface water.
 - The existing trees, hedges and vegetations are protected and maintained.
 - Collection point for waste and recycling are also adequately addressed.
- 9.5 In the absence of any material harm resulting from the development and the approval of the reserved matters, the application is recommended for approval subject to conditions.
-

RECOMMENDATION: GRANT (RESERVED MATTERS – SUBJECT TO CONDITIONS)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 590 SK5 Rev. D (Proposed Access Drive Details) dated October 2023.
Drawing No. 590 SK3 A Rev A (Proposed Ground Floor Plan) dated February 2023 – block paving not approved subject to drainage condition.

Drawing No. 590 SK2 Rev B (Proposed Plans and Elevation) dated May 2023.
– Materials are not approved and shall be agreed.

Drawing No. 590 SK4 Rev A (Proposed Roof Plan) dated February 2023.
Construction Management Plan as corrected by email sent on 20 February 2024.

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

2. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects and enhances the character and appearance of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy DHG9(ii) of the Rother Development and Site Allocations Plan and the High Weald Housing Design Guide (November 2019)

3. No development shall commence until indications of all existing trees and hedgerows (particularly that adjacent to the footpath) on the land adjacent to the site and within the site including details of those trees protected by a Tree Preservation Order that could be affected by the development, together with measures for their protection in the course of development have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

4. No development above ground level shall take place until the (hard AND soft) landscaping details for the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure a high-quality public realm taking account of the characteristics of the area in accordance with Policy OSS4 and EN3 of the Rother Local Plan Core Strategy.

5. The hard and soft landscaping for the development required under Condition 4 shall include:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d) hard surfacing materials; and
- e) implementation programme.

Reason: To enhance the appearance and setting of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother District Local Plan Core Strategy.

6. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local

Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant 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 ensure a satisfactory appearance and setting for the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

7. No development shall commence until a surface water drainage scheme for the site, 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
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 and Policy DEN5 of the Development and Site Allocations Local Plan.
8. The surface water drainage scheme for the site, based on sustainable drainage principles shall be wholly implemented in accordance with the approved details prior to occupation of any of the dwellings hereby permitted and thereafter the approved system shall be maintained and managed wholly in accordance with the approved maintenance and management plan.
Reason: The full implementation of the approved scheme and its long-term management is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.
9. Before above ground level works take place on any building, details of the collection point of the waste facilities, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter continued.
Reason: To protect the residential amenities of the locality and in the interests of providing a sustainable development, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
10. Public Footpath Westfield 30 is to remain open and available at all times.
Reason: To ensure that the amenities of residents and other users are protected and in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.
11. Construction of the access in accordance with plan 'Proposed Access Drive Details (Drawing No. SK5 / Revision D)' is to be completed prior to the commencement of any development on the site.
Reason: To protect the amenity of Public Footpath Westfield 30 and its users in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

12. The dwelling hereby permitted shall not be occupied until it has 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 dwelling(s) 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.
13. The dwelling 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 dwelling 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 dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the dwellings are 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.
14. The development shall not be occupied until the parking area has been provided in accordance with the approved plan (Ref: 590 SKA, dated February 2023) and the area 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 TR3 and TR4 of the Rother Local Plan Core Strategy.
15. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm 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 TR3 and TR4 of the Rother Local Plan Core Strategy.
16. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan (Ref: 590 SK3 A, dated February 2023) and the turning space shall thereafter be retained for that use and shall not be obstructed.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
17. No part of the development shall be occupied until details of a covered and secure cycle parking spaces have been provided and agreed in writing with the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

NOTES:

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third-party rights which may exist over the application site. Furthermore, and for clarity, this planning permission does not authorise any interference with, or disturbance of, any right of way upon which the development impacts. All matters relating to the right of way such as, in this instance, the laying of hard surface, must be resolved between the parties concerned.
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
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 Accessibility 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 it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the Applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.
5. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. For further information, contact the Environmental Health Service.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.