

Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT:

Stephen Langer
York Cottage Major Yorks Road
Tunbridge Wells
Kent
UNITED KINGDOM
TN2 5TP

APPLICANT

Rother Valley Railway Ltd
Robertsbridge Junction (Rvr) Station
Station Road
Robertsbridge
SUSSEX
TN32 5DG

DESCRIPTION:

NEW RAILWAY STATION INCLUDING STATION BUILDING, SIGNAL BOX, WATER CRANE, WATER TOWER, CARRIAGE SHED, ENGINE SHED AND ANCILLARY WORKS

LOCATION:

ROTHER VALLEY RAILWAY, STATION ROAD, ROBERTSBRIDGE/SALEHURST

The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act that permission has been granted for the carrying out of the development referred to above in accordance with the 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 Before development commences on any individual building hereby permitted, samples of the materials to be used in the construction of the external surfaces of that particular building shall have been submitted for the consideration and approval in writing of the local planning authority. This shall include the details of the proposed external colour treatment of the profile steel cladding to be used on both the walls and the roof of the relevant buildings. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects the character and appearance of the area in accordance with Policies GD1 (iv) & (v) of the Rother District Local Plan.

- 3 No building shall be occupied until space has been laid out within the site in accordance with the approved plan drawing no. 11092-P-07 Rev B, for the parking of vehicles and it shall thereafter be retained for this purpose only.

Reason: To provide on-site parking and thereby ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy GD1(iii) of the Rother District Local Plan.

- 4 The soft landscaping, comprising the new tree planting, the re-grading of the land and tree protection measures etc. shall be carried out in accordance with the details, plans and drawings submitted with the application. No development shall take place on any part of the site until the soft landscaping details [for that part of the site] have been submitted to and approved by the local planning authority, which shall include:
- (a) the area around the development to which the soft landscaping relates.
 - (b) implementation programme

Reason: To enhance the appearance of the development and to safeguard the characteristics of the locality in accordance with Policy GD1(iv)(v) of the Rother District Local Plan.

- 5 If within a period of five 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 and to safeguard the characteristics of the locality in accordance with Policy GD1(iv)(v) of the Rother District Local Plan.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: This site lies on the Ashdown formation, which is classified as a secondary aquifer in the Environment Agency's Groundwater Protection: Policy and Practice. The National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

- 7 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Survey Site Plan. Location Plan: 11092-SV-01 Rev C
- Site Survey Plan: 11092-SV-02 Rev A
- Block Plan: 11092-SV-03 Rev C
- Site Plan 1: 11092-P-07 Rev B
- Site Plan 2: 11092-P-08 Rev D
- Site Plan 3: 11092-P-09 Rev D
- Station Floor Plan: 11092-P-01 Rev B
- Station Elevations: 11092-P-02 Rev A
- Station Elevations: 11092-P-03 Rev A
- Station Elevations: 11092-P-04 Rev B
- Signal Box: 11092-P-05 Rev A
- Water Tower: 11092-P-06
- Ancillary buildings/structures: 11092-P-10
- 'LandVision' Engine Shed Landscape Plan: RVR/ROB/012/010 Revision 1
- 'LandVision' Carriage Shed Landscape Plan: RVR/ROB/012/011
- 'LandVision' Engine Shed Tree Survey and Protection Plan: RVR/ROB/012/020
- 'LandVision' Carriage Shed Tree Survey and Protection Plan: RVR/ROB/012/021

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

REASONS FOR THE GRANT OF PLANNING PERMISSION

The proposed development would be located on principally railway land. It also utilises an area of adjacent land that presently forms part of a business site. The development would not therefore have a material detrimental impact on undeveloped countryside. The proposed design of the development is acceptable and landscaping/ tree planting proposals are proposed to mitigate against the visual impact of the larger and more utilitarian buildings. Supporting evidence has also been put forward in the application to demonstrate that the availability of the existing Station car park would be suitable for serving the development. The development would not adversely affect the character of the area or the amenities of adjoining properties. The proposed development complies with Policy EM8 and GD1 of the Rother District Local Plan (2006), Policy EC6 of the Rother District Local Plan - Core Strategy and The National Planning Policy Framework, particular Paragraphs 28 and 115.

INFORMATIVE:

The Highways Agency and East Sussex County Council Highway Authority have been consulted on the application and have stated that in the event that planning permission is granted the applicant/developer should be advised that details of the proposed method of the railway crossing the A21 trunk road, the B2244 and Northbridge Street shall be subject to separate approval, following design guidance within the Design Manual for Roads and Bridges and the relevant policy in force at the time of applying.

NOTES:

The granting of planning permission does not grant or imply the right to carry out development on adjoining property or to enter onto adjoining property without the consent of the owners of that property in order to carry out construction work or subsequent maintenance work.


This permission includes 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 is unlawful and does 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 £25.00 for each request for householder developments and £85.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.planning.rother.gov.uk.



Application No. RR/2012/1357/P

Decision Date: 14 November 2012

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 PLANNING

APPEALS TO THE SECRETARY OF STATE

1. Appeals must be made on a form which can be downloaded from www.planning-inspectorate.gov.uk or alternatively forms can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2, The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 6372. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to statutory requirements, to the provisions of the development order, and to any directions given under the order.

2. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

3. The Secretary of State can allow longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

PURCHASE NOTICES (Applications for planning permission, listed building consent and conservation area consent only)

1. If either the local planning authority or 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.

2. 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 Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas Act) 1990.

NOTE 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, Kemble Drive, Swindon, Wiltshire SN2 2GZ 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.