

Planning Committee South

Officer Update Report

25th January 2024

Agenda Item 6 – WD/2023/2100/DC – Land at Knights Farm East, Lower Horsebridge, Hailsham (Pages 19 -76)

Conditions schedule:

Updated schedule of conditions appended to this report (see Appendix 1).

The condition updates relate to minor changes to trigger points, wording and omissions. The appended conditions schedule supersedes that in the report previously published.

Additional consultee responses:

Pollution Control (received 22.01.2024) – Recommend approval subject to conditions following receipt of further information from the applicant to address previous response regarding noise. A summary of which is outlined below:

- Detailed answers are provided to previous questions raised. Raw data for noise is also provided.
- Potential for future complaints as the guidance refers to averages rather than noise maxima.
- Noise sources will be brought closer to residents.
- The proposed development will introduce new sound sources that differ from the existing noise environment which is dominated by local traffic noise.
- Due to the nature of the noise from the proposed sports park, some events will be noticeable at the two nearby receptors due to the different character of the noise versus the existing background noise, however max noise levels will meet guideline levels.
- Average noise levels will exceed guidelines by just 1dB (when considering the noise from both road and sports pitches). Therefore, the overall 'loudness' of all the noise heard in this area will not be noticeably any louder in total than before the development. The Acoustic Report considers the overall loudness, this means that the impact to residents will be low.
- The noise from the sports park is 'present but not intrusive' meeting the guidance criteria of No Observed Adverse Effect.
- Overall, it can be confirmed that the additional information provided by the consultants has provided clarity and confidence in their assessment and that the assessment was suitable and sufficient according to the available guidance.
- Occasions will exist where all facilities are in use - a worst-case scenario, as presented by the consultants is appropriate.
- It is likely that when there is the most noise from the sports park (good weather) residents will be using their gardens and opening windows.
- With respect to 'average' noise levels arising from the use of the sports park, Environmental Health agrees that the impact is likely to be low. The overall increase in average 'loudness' is not going to be noticeable.

- Environmental Health has more concern about the maximum noise levels potentially affecting residents in their garden areas and at times inside. This has been considered further and has been summarised below.
 - A condition for an active Noise Management plan with some recommended times to begin with for some activities which have the most potential to be noticed and cause annoyance.
 - Brook House garden areas would be subject to whistle and boardslap noise. Some impact noise from padel tennis will also be audible. If the activities occur early on Sundays or Bank Holidays, then such noises might be heard by residents inside. Children are trying to sleep in rooms facing the site, they may notice during the late evening. Whether it is observed is dependent on a number of factors.
 - Potential for noise complaints.
 - During busy daytime hours the data implies that noise impact is not likely to be significant. It might become more significant if it extends into Sunday mornings, mid to late evenings and Bank Holidays, all of which are likely to be sensitive periods for residents.
 - Hours of use for the skatepark, along with football and netball games involving whistles and use of the padel tennis courts can be restricted to the busiest times of day and reviewed as part of a noise management plan. Potential initial hours of operation (subject to review) for games with whistles, use of the skatepark and padel tennis court might include:
 - Monday to Sat 09:00 to 19:00
 - Sundays and Bank Holidays 10:00 to 19:00
 - The noise impact to White House is less than that for Brook House. However, car door slamming could be noticed in parts of the external amenity space closest to the site. Overall, the assessment indicates the noise impact is more likely to be acceptable and noise from activities will form part of the overall soundscape – noise environment. Restrictions similar to those outlined above would also reduce the noise impact at White House.

WDC Conservation and Design (received 23.01.2024) – No objection following concerns raised by the owner of Brook House in comments received following the publication of the report to Committee. A summary of which is included below:

- Brook House is located at the edge of the application site and faces the A271.
- Map regression exercise confirms curtilage of the land with the dwelling has altered since the 1840s and today, is an amalgam of part of the former agricultural land associated with it.
- Former farm buildings would have been located to the east of the property, outside of the present curtilage.
- The boundary to the application site follows the northern and eastern boundaries of the current residential curtilage.
- There will be a change to the setting of the listed building through the proposed development within the application site to the north and east of the asset.
- The changes to this setting will be both visual and through other environmental factors such as noise and activity leading to less than substantial harm to the significance of the heritage asset, but at the lower end for the following reasons.

- Some of the land of the application site was formally the agricultural land associated with Brook House. This association appears to have ceased in the mid 20th century with the majority of the land sold off and a larger residential curtilage provided to the property. However, it can still be appreciated with an agricultural backdrop, although diluted by later 20th century development within the curtilage and removal of any former farmyard.
- There are views across the application site towards Brook House, which is seen divided from the wider open agricultural land by the mature hedged and treed garden boundaries.
- Development would alter the inherent agricultural visual character of the setting of Brook House and lead to a less tranquil setting to the rear of the heritage asset through the introduction of the associated noise and activity expected.
- The appropriateness of the noise levels is a planning matter and not a heritage matter, although I note that acoustic fencing has been proposed to help mitigate.
- The proposed acoustic fencing can be incorporated within an appropriate managed landscaping scheme to reduce the long-term visual impact.
- The introduction of additional planting outside the north and east boundaries of the site would not appear as an alien feature in the wider setting of the heritage asset as the residential curtilage is already clearly demarcated by vegetation.
- In keeping with statutory requirements, special attention has been given to the desirability of preserving heritage assets, or their settings, or any features of special architectural or historic interest which they possess;
- The NPPF recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.
- Great weight should be given to the conservation of designated heritage assets including any harm or loss of significance through development within their setting. The more important the asset, the greater the weight should be.
- The NPPF also requires Local Planning Authorities to look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance, and places great importance on development being of good design and responding to local character to ensure its integration into the existing environment.
- Where harm to designated heritage assets is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, and this planning balance is for the planning case officer to consider.

1 further neighbour representation received making the further additional points. A summary of which is included below:

- It is incorrect to state that the land subject to the application has never been associated with Brook House.
- Impact of the development from a heritage perspective is not balanced versus development proposals at Brook House in the past.
- Noise impact and suitability of acoustic fence and hours of operation would not overcome the concern that there would be significant impact to the amenity of the occupiers of Brook House. Although acknowledge the details provided with respect to the fencing proposed.
- Noise from traffic on the A271 is already a problem and this would exacerbate the impact further.

- Pedestrian access is not current safe and there would be likely linked trips to nearby Starbucks and Greggs if the café on site is closed.
- Better pedestrian connectivity with the site should have been considered.
- Further consideration and time should be given to the application in light of the impacts raised.

Officer response to additional consultee and third party responses:

Noise

Further information as outlined above has been provided to address questions raised by the Council's Pollution Control Officer. This provided a greater degree of certainty versus the position outlined in the published report. In summary, the conclusions of which were that noise impacts would be adverse to immediate neighbours but that in the overall planning balance, when taken together with mitigation measures would be balanced against the wider public benefits of the scheme.

The updated information has now been considered by the Council's Pollution Control Officer. The conclusions of which are included above and not repeated here.

Officers have had regard to these in conjunction with the noise hierarchy set out in Planning Practice Guidance (paragraph 003) which outlines that planning decisions should take account of the acoustic environment and in doing so consider whether or not a significant adverse or adverse effect is occurring or likely to occur or whether or not a good standard of amenity can be achieved. It goes on to outline the observed effect levels as follows:

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

The hierarchy sets out, where impacts arise, examples of outcomes on residents who might be affected by development. Where no observed adverse effect is the conclusion, as is the case here, this means that even though some noise will be heard, in general, it will blend in with and be masked by the existing traffic noise in the area, which is already reasonably high. Therefore, adding new noise from the development will not have any real impact and would not make local residents behave any differently. In conclusion, it would not intrude into their lives through changes to their behaviour such as closing windows, turning up their TV or leaving their property to escape the noise.

In light of the additional information received and the conclusions reached above in line with the Planning Practice Guidance, there would not be a level of harm in planning terms to warrant refusal or control of hours as suggested by Pollution Control. An acoustic fence is proposed to the rear of Brook House and hours of operation can be controlled through condition (Community Use Agreement 29).

As outlined above, Officers differ in their views regarding how the use of the site could be controlled to prevent noise complaints arising from the perspective of statutory nuisance. It is clear that having regard to available planning guidance an appropriate assessment of the noise generated at the site and its impacts on nearby residents has been undertaken and that the conclusion of No Observed Adverse Effect is a sound one. Whilst the Pollution Control Officers concerns, because of their own professional view on the limitations of current guidance and the specific nature of the site's use are understood, this does not seem to result in an evidenced harm to residential amenities from a planning perspective. The applicant has demonstrated a reasonable approach to assessing and mitigating harm and this is sufficient. If, post development, issues arise then whether this would constitute a statutory nuisance is for the Pollution Control Team to consider. To be clear statutory nuisance is covered under separate environmental protection legislation. It is outside of the control of the Local Planning Authority. The planning guidance referred to above in the Planning Practice Guidance makes clear that whilst good consideration and mitigation of noise impacts should help avoid a statutory nuisance developing, the assessment of noise within a planning application is not an assessment of statutory nuisance. As stated a conclusion of No Observed Adverse Effect has been made and whilst some noise issues may present themselves, adequate attempts have been made to control this and are otherwise significantly outweighed by the public benefits of a comprehensive sports facility within the District.

Therefore, on balance, whilst a recommendation has been made to restrict hours of operation of the site, specifically in relation to sports with whistles used and skateboarding by Pollution Control, it is not considered that such a condition would meet the relevant tests for imposing such a condition. Planning guidance is clear, and the view that there is no observed adverse effect, taken with the mitigation proposed outlined above (acoustic fence and community use agreement) and the public benefits which are already identified in the conclusion of the published report, there would be no conflict with central government guidance or the requirement set out in development plan policies to protect the amenity of residents.

Heritage

Concerns had been raised following the publication of the report that the consideration of the impact of the development upon the setting of Brook House had not been considered fully.

This specifically related to the impact to the setting through an erosion of land previously associated with the heritage asset which the report concluded had never been associated with Brook House. This was an error. Following further consultation with the Council's Senior Heritage Officer, a further response has been received as summarised earlier in this report.

A map regression exercise having been carried out to ascertain how the curtilage of land associated with the Brook House has altered since 1840 concludes that the application site includes land which was an amalgam of part of the former agricultural land associated with the heritage asset at that time.

Notwithstanding the above, the association with the agricultural land appears to have ceased in the 20th century with the majority of the land sold off and the former agricultural buildings and any former farmyard associated with it to the east of the remaining dwelling removed. The boundaries of the application site follow the curtilage of Brook House along its northern and eastern boundaries. Its curtilage was enlarged at a later date, along its northern edge to its current position in a somewhat artificial manner.

Whilst Brook House can still be appreciated with the backdrop of agricultural land which forms the application site, as previously identified, this has been diluted through development within its curtilage in the later 20th century and the artificial enlargement of the residential curtilage into the agricultural land beyond.

It is still acknowledged that the proposed development would alter the character of the agricultural field which is an inherent part of the character and setting of Brook House. However, Brook House is seen divided from the wider open agricultural land by mature hedged and trees garden boundaries. The setting would be impacted upon as a result of the conclusions reached in the updated conclusions with respect to noise, acknowledging the existing noise impacts and the change in character of these versus the existing background noise would lead to no observed effect level, as outlined under the noise section of this report, reinforcing the previous conclusions reached in the published report.

The conclusions previously reached with respect to the proposed acoustic fence remain unchanged as a result of the above.

In light of the updated conclusions with respect to heritage impact, whilst the further consideration of the relationship between the application site and Brook House have been undertaken, the conclusion that less than substantial harm at the lower end of the scale would arise as a result of the development remains unchanged. As does the weighing of that harm against the public benefits in accordance with the test set out in the NPPF.

Other issues

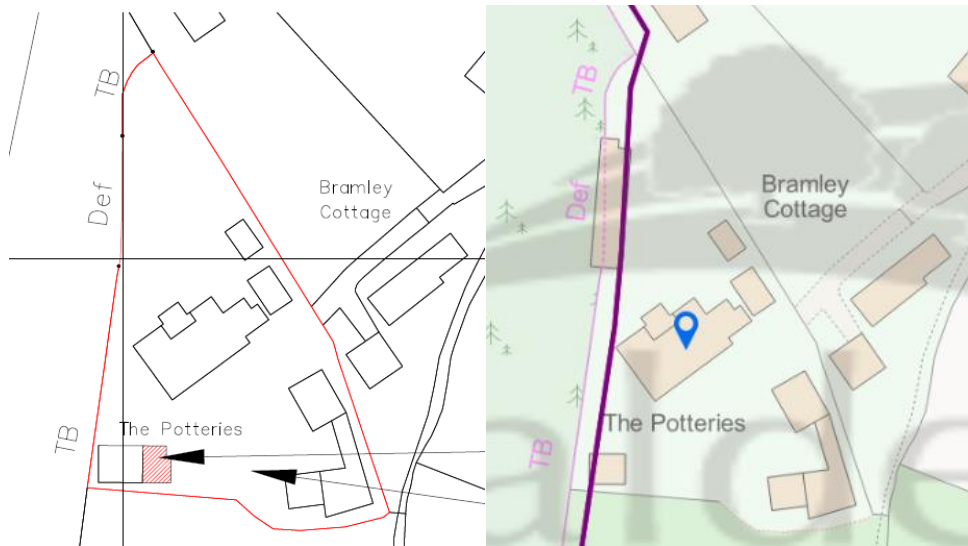
It is acknowledged concerns still exist around traffic and highway safety, despite a robust Transport Statement, including a Road Safety Audit undertaken by a Transport Consultant and examined in detail by the Highway Authority and Active Travel England. Anecdotal evidence such as this without evidence is afforded little weight. In the absence of robust evidence and having regard to the request from the Highway Authority for additional highway improvements already requested and secured by condition and planning obligation, the conclusions reached in the published report remain unchanged.

Agenda Item 7 – WD/2023/2730/F – The Potteries, Whitesmith, Chiddingly BN8 6JD (Pages 77 - 90)

Since the agenda was published it has been brought to officers' attention that the application site falls within two wards. The majority of the site is with Chiddingly, East Hoathly & Waldron but a section along the western boundary is actually within Arlington.

Having regard to the Constitution of the Council the application can be considered as having two local ward members (LWM): One being Cllr Geoffrey Draper, who called the application in, and the other being Cllr Alison Wilson. It has been confirmed to Cllr Wilson that as she is now also considered LWM, she can speak on the application at committee but not vote.

Maps showing the application site and ward boundary line below:



Additional representations:

The committee report sets out on page 79 that a response from Chiddingly Parish Council was not received within the designated consultation period. Since the report was written, an email has subsequently been received from the Parish Council on 19th January, setting out the following:

“At the meeting of the 28th November 2023, Chiddingly PC agreed that they had no objection to this application.”

A further neighbour representation was received on 20th January, 2024. The following points were raised:

- No objection as long as the annexe is only used for residential family use.
- Object to sub-division of the annexe but this should be controlled by condition.
- Any sub-division would be reported.

Another neighbour representation was also received on 22nd January, 2024. It raised the following issues:

- The proposal would be sustainable development.
- Neighbouring properties have supported the application.
- The proposal would not compete with the main dwelling.
- The proposal would not be conducive for sub-division.
- Personal circumstances should be taken into account.

Finally, an update was submitted on behalf of the Agent on 22nd January 2024. Whilst the update raises points which have already been raised in the application particulars, some additional observations were stated. These include:

- The Parish Council's late response should have now been received by Wealden District Council.
- Case law, and not just floor space, should be considered when assessing issues of sub-division.
- The proposal does not lend itself to sub-division.
- Use of the annexe as a separate dwelling would require planning permission and this would be unlikely to be granted due to the nature of the site.
- Saved Policy DC19 does not preclude a detached annexe.
- The proposal would result in the removal of the existing timber balcony and this would be a betterment.
- The proposal would comply with NPPF para. 63, in that it would help meet social care needs.
- A planning condition could be added to ensure the annexe remains ancillary.

Agenda Item 8 – WD/2023/2688/F – Land at The Croft, Sessingham Lane, Berwick, Polegate, BN26 6TP (Pages 91 - 102)

No updates.

Appendix 1 – Updated Schedule of conditions – WD/2023/2100/DC

Recommendation

The application is recommended for:

- (a) APPROVAL, subject to Confirmation from Natural England that they agree with the Council's Appropriate Assessment that there would be no likely significant effect on the protected sites at the Pevensey Levels.

Completion of a Section 106 agreement to secure in a timely manner for the following:

- Off-site highway works would be agreed under a S278 agreement with the local Highway Authority including:
 - the new access junction with ghost island right-turn lane and visibility splays on the A267.
 - the bus stop infrastructure works on A271 Lower Horsebridge;
 - footway and pedestrian crossing improvements on A271 Lower Horsebridge;
 - Travel Plan including an audit fee.
- A financial contribution towards maintaining/improving bus services of £371,210.
- Legal Agreement monitoring and registration fees

Subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped
Geophysical Survey Report November 2021	18 August 2023
Archaeological Geophysical Survey November 2021	18 August 2023
Transport Assessment 15 August 2023 - Volume 1 of 3	
- ITL17156-GA-001 Rev F (Partially superseded)	
(incorporating ITL17156-GA-001 Rev F)	18 August 2023
Ground Investigation Factual & Interpretative Report July 2022	18 August 2023
ITL17156-GA-001F - Proposed Vehicular Site Access From A267	
- Ghost Island Arrangement	18 August 2023
Transport Assessment 15 August 2023 - Volume 3 of 3	
(Partially superseded)	18 August 2023
Report to Inform Habitats Regulations Assessment Stage	
1 August 2023	18 August 2023
Groundwater Monitoring Factual Report June 2023	18 August 2023
ITL17156-GA-004D - Swept Path Analysis - Estate Car & Coach	18 August 2023
ITL17156-GA-008C - Refuse Vehicle at Site Access	18 August 2023
Tetra Tech Letter re Protected Species Surveys	18 August 2023
Protected Species Report December 2022	18 August 2023
ITL17156-GA-005D - Swept Path Analysis - Drop Off Area &	
Accessible Parking	18 August 2023
Framework Travel Plan 15 August 2023	18 August 2023
Heritage Statement August 2023	18 August 2023
Air Quality Assessment July 2023	18 August 2023
Archaeological & Heritage Desk Based Assessment November 2022	
- Part 3	18 August 2023
Archaeological & Heritage Desk Based Assessment November 2022	

- Part 2	18 August 2023
Flood Risk Assessment 7 August 2023	18 August 2023
Proposed Surface Water and Foul Water Drainage Strategy	
16 August 2023 (Partially superseded)	18 August 2023
Preliminary Ecological Appraisal August 2021 - Part 2	18 August 2023
Archaeological & Heritage Desk Based Assessment November 2022	
- Part 1	18 August 2023
Preliminary Ecological Appraisal August 2021 - Part 1	18 August 2023
Transport Assessment 15 August 2023 - Volume 2 of 3	
(Partially superseded)	18 August 2023
Written Scheme of Investigation for an Archaeological Geophysical	
Survey September 2021	18 August 2023
WSH-PRP-ZZ-XX-SC-A-20302-P04 – Community Café Sections	29 August 2023
WSH-PRP-ZZ-XX-SC-A-20301-P05 – Changing Room Sections 2	29 August 2023
WSH-PRP-ZZ-XX-SC-A-20300-P05 – Changing Room Sections	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20201-P04 – Sports Pavilion East elevations	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20200-P04 – Sports Pavilion North and	
South elevations	29 August 2023
WSH-PRP-ZZ-RF-GA-A-10100 P04 - Roof Plan	29 August 2023
WSH-PRP-ZZ-RF-GA-A-10100 P08 – Ground Floor Plan	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20202-P04 – Sports Pavilion West Elevations	29 August 2023
Proposed Site Layout - 741-ALA-00-XX-DR-L-0001 Rev P16	27 November 2023
Proposed Boundary Treatment - 741-ALA-00-XX-DR-L-0003 Rev P13	27 November 2023
Proposed Site Levels 741-ALA-00-XX-DR-L-0004 Rev P13	27 November 2023
Proposed Site Sections 741-ALA-00-XX-DR-L-0005 P09	27 November 2023
Brook House Boundary Proposals - 741-ALA-00-XX-DR-L-0011	
Rev P05	27 November 2023
Tree Retention & Removals Plan 741-ALA-00-XX-DR-L-0014 P08	27 November 2023
Amenity Planting Plan 741-ALA-00-XX-DR-L-0015 P08	27 November 2023
Proposed Sports & Play Provisions - 741-ALA-00-XX-DR-L-0016 P07	27 November 2023
Site Plan - 741-ALA-00-XX-DR-L-0017 Rev P04	27 November 2023
Play Area Detailed Plan -741-ALA-XX-XX-DR-L-0022 Rev P01	27 November 2023
Arboricultural Impact Assessment, Method Statement and	
Tree Protection Plan	27 November 2023
Proposed Surface Water Drainage Layout Sheet 01	
- 01 -WEA012 - PEV - ZZ - ZZ - DR – C - 0511 Rev P07	27 November 2023
Proposed Surface Water Drainage Layout Sheet 02	
WEA012 - PEV - ZZ - ZZ - DR – C - 0512 Rev P07	27 November 2023
Proposed Hard Landscaping & Street Furniture	
- 741-ALA-00-XX-DR-L-0002 Rev P22	27 November 2023
Proposed Soft Landscaping - 741-ALA-00-XX-DR-L-0009 Rev P11	27 November 2023
Geo-Environmental Phase 1 Assessment	30 November 2023
23021-WP3-ZZ-00-DR-E-7006 Rev T3 - External Lighting Layout	11 December 2023
Sports Lighting Layout	
23021-WP3-ZZ-00-DR-E-7009 Rev T3	11 December 2023
Lighting Visual Impact Assessment	11 December 2023
741-ALA-00-XX-DR-L-0013_Tree Planting Plan and Schedule_P08	11 December 2023
ITL17156-GA-002J - Proposed Pedestrian and Cyclist Access	
from A271 – General Arrangement	27 November 2023
Noise Assessment	16 January 2024
Noise Assessment - Additional Information	16 January 2024

REASON: For the avoidance of doubt.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at <https://planning.wealden.gov.uk>

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application

must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

3. Prior to the development above ground floor slab level of the sports pavilion building hereby approved, samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

4. Prior to commencement of development, detailed plans showing no increase in ground levels within the determined 1 in 100 (plus climate change) fluvial flood extent shall be provided to and approved in writing by the Local Planning Authority. If there is any proposed ground level change within the flood plain extents, details demonstrating a level for level flood plain compensation scheme on land outside the determined floodplain extent shall be provided to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in strict accordance with the approved details.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

5. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a. The calculations shall demonstrate that surface water flows can be limited to Q_{bar} (the mean annual event) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. The calculations should demonstrate that the system can half drain within 24 hours while incorporating a surcharged outfall. A sensitivity testing of the 45% climate change allowance should also be undertaken.
 - b. Details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system especially attenuation ponds and tanks shall be provided.
 - c. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

6. Prior to the completion and first use of the drainage system on site, a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority, to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall proceed in accordance with the approved details.

REASON: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

7. Prior to first use of the site for the development hereby approved, evidence (including as built drawings and photographs) shall be submitted showing that the surface water drainage system has been constructed as per the final agreed detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

8. Prior to the development first being brought into use, confirmation shall have been provided that either all sewage works upgrades required to accommodate the additional flows from the development has been completed; or a development and infrastructure-phasing plan has been agreed with the Local Planning Authority to allow development to be brought into use. The sewage upgrade works shall include any measures necessary to ensure the development prevents increased pollution and/or increased storm water overflow spills at the relevant Waste Water Treatment Works. Where a development and infrastructure-phasing plan is agreed no occupation shall take place other than in full accordance with the agreed development and infrastructure phasing plan.

REASON: To ensure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

9. Prior to the commencement of ground works for the skate park, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Appearance
 - Layout
 - Associated hard and soft landscaping
 - Means of enclosure
 - Existing and proposed levels
 - External lighting (if proposed)

If external lighting is proposed for the skate park, full details of the cumulative impact of the lighting scheme for the whole development shall be submitted to and approved in writing by the local planning authority. The cumulative impact of the lighting scheme shall comply with the Institute of Lighting Professional's 2021 Guidance Note GN01/21, "The Reduction of Obtrusive Light" for Environmental Zone E2. Following installation of the lighting scheme across the development site and the lighting scheme shall be maintained in accordance with the approved details.

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

10. Prior to the installation of any solar panels, the appearance and external finish of the solar array for the parking areas shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard the visual amenities of the locality and to comply with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policies EN8 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

11. Notwithstanding the approved drawing number 741-ALA-00-XX-DR-L-0003 P13, any variation to the boundary treatments and other means of enclosure within the site shall be subject to details to be submitted to and approved in writing by the Local Planning Authority prior to the erection of such means of enclosure which deviate from those hereby approved with respect to their style and design.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF (2023).

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected at the site except in accordance with those hereby approved.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF (2023).

13. The development shall be carried out in accordance with the approved soft landscaping plans and schedules and in accordance with a timetable for implementation to be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development above foundation level. Thereafter, the development shall be implemented in accordance with the approved soft landscaping scheme and schedule for implementation.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Spatial Planning Objectives SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN8, EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first use of the site for the development hereby approved. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the

development still deliver the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: To identify and ensure ecological enhancement of this sensitive and ecologically diverse site and ensuring its long term management to deliver biodiversity net gain, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of the NPPF.

15. Prior to the commencement of the development including any site clearance works, Reasonable Avoidance Methodology (RAMs) prepared by a suitably qualified Ecologist should be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved RAMs.

REASON: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15, Circular 06/2005, Policy WSC12 of Wealden District Core Strategy Plan (2013).

16. No development shall commence, until the Local Planning Authority has been provided with either:

- i. A European Protected Species Licence obtained from Natural England for Hazel Dormice, allowing the development to commence; or
- ii. A statement in writing that Natural England do not consider that the development will require a licence.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of the NPPF.

17. Prior to the commencement of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with sections 4.1.137 - 4.1.144 of the Preliminary Ecological Appraisal Report, ref: 4632E/21, dated 23rd August 2021, and section 4.5 of the Protected Species Report, ref 784-B031612, dated December 2022, third bullet point on page 4 of the Knights Farm Ecology Response, ref: 784-B031612, dated 8 December 2023, to include timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development and to provide biodiversity net-gain, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

18. The development shall be carried out in strict accordance with the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (date stamped 27 November 2023).

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the NPPF.

19. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the NPPF.

20. No development shall take place, including any ground works, until a Construction and Environmental Management Plan and Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and egress and routeing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- Sheeting of lorries during transportation of construction materials;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Minimum drop heights to be used for continuous and batch drop activities and waste disposal;
- Details of public engagement both prior to and during construction works;
- Measures for site working to mitigate potential impacts from construction including the control of noise, vibration and lighting levels potentially affecting occupiers of neighbouring properties;
- Details of measures to manage flood risk, both on and off the site, during the construction.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR3 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

21. No use of the site for the development hereby approved shall commence until space has been laid out within the site in accordance with Drawing No. 741-ALA-00-XX-DR-L-0001 Rev P16 (dated stamped 27/11/2023) for vehicle and cycle parking. Parking areas shall be used solely for vehicle/cycle parking purposes and be retained thereafter.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

22. Prior to the completion of the development, details relating to the design and appearance of the cycle storage shown on approved Drawing Number 741-ALA-00-XX-DR-L-0001 Rev P16 (dated stamped 27 November 2023), shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved cycle parking shall be provided prior to the first use of the site, and retained thereafter in accordance with the approved details.

REASON: To provide for alternative modes of transport, having regard to SPO7, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

23. The access shall not be used until visibility splays of 4.5m by 163m to the north east and 4.5m by 201m in a south west direction are provided in, as shown on approved drawing ITL17156-GA-001 Rev F (date stamped 18 August 2023), within which there shall be no obstruction to visibility above a height of 0.6m above each carriageway level, including no gates, fences or walls shall be constructed within the sight lines / visibility splay and maintained thereafter.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

24. Prior to the first use of the access hereby approved onto the A267, the existing access shown on drawing number WSH-PRP-ZZ-ZZ-GA-A-00001 P04 (dated stamped 27 November 2023) shall have been stopped up and kerb and verge are reinstated to the satisfaction of the Local Highway Authority in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

25. Notwithstanding any of the approved plans and documents, any gate at the access shall be positioned at least 16m back from the edge of the highway and open inwards in order that a vehicle may wait clear of the highway whilst the gate is being operated.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial

Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

27. No development 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 enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

28. 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) have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 27 to the written satisfaction of the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

29. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved agreement shall apply to use of the sports facilities hereby approved and include details of pricing policy, hours of use, access by non-educational establishment users and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport, in accordance with saved Policy LR4 of the Local Plan, Core Strategy Policy WCS13, and coupled with the requirements of the NPPF.

30. Prior to the commencement of development of the netball courts hereby approved, the following details shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England and England Netball:-

. The surface is open textured porous macadam with a slip resistance value of ≥ 75 in wet and dry conditions; and

. The floodlighting achieves 200lux for training and 400lux for competition and a uniformity value of 0.7 throughout the principal playing areas.

Thereafter the facilities shall be maintained in accordance with those approved details.

REASON: To secure well designed sports facilities, to ensure sufficient benefit to the development of sport, in accordance with saved Policy LR4 of the Local Plan, Core Strategy Policy WCS13, and coupled with the requirements of the NPPF.

31. NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

32. NOTE 2: 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 consent 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 survey has shown it is absolutely certain that nesting birds are not present. If any evidence of Badger activity is found on site including any setts which are found to be present contrary to the conclusions of the submitted ecological

survey, works on site should stop and be informed by the standing advice from Natural England and a suitably qualified ecologist.

33. NOTE 3: The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

34. NOTE 4: Any new outfall or outfalls to an ordinary watercourse will require Ordinary Watercourse Consenting from the Lead Local Flood Authority, over and above any planning permission which may be granted.

For information, please note that the development may increase the rate and/or volume of water being discharged into the Pevensey Levels Internal Drainage District (compared to the status quo), and so an application may need to be made to the Pevensey & Cuckmere Water Level Management Board seeking consent under the terms of its Byelaws. If it is considered that a proposed increase in flows can be safely and adequately dealt with by the receiving waterbody and wider drainage network, then consent may be issued (although consent is not guaranteed to be given). Any permission granted by the Board would be subject to conditions, usually including entry into a legal agreement and the payment of a Surface Water Development Contribution to the Board. Details and further information can be found at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf. Further details regarding the Board's application procedure and associated payments which may become due are also available on this website.

35. INFORMATIVE 5: Guidance on preparing Community Use Agreements is available from Sport England <http://www.sportengland.org/planningapplications/>. For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

- (b) That in the event of being unable to secure completion of the S106 within a timescale considered reasonable then the application be REFUSED for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary highway infrastructure improvements to meet the additional demands generated by the proposed development and encourage sustainable means of access to it. Therefore, the proposal is considered contrary to saved Policies EN1 and TR3 and of the adopted Wealden Local Plan and Policies WCS13 and WCS14 of the Core Strategy Local Plan.