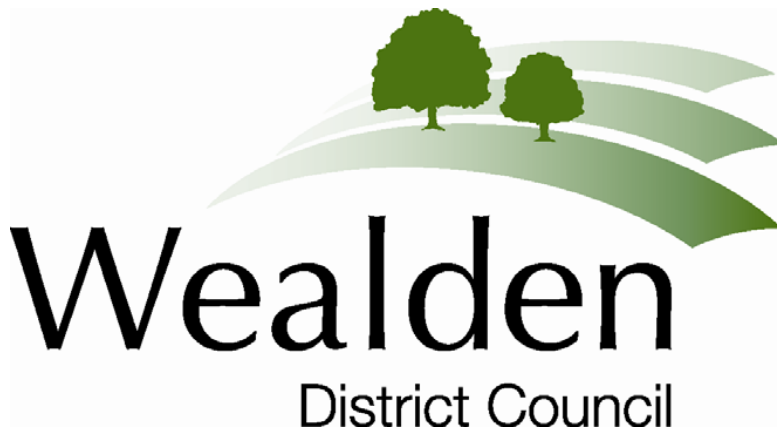




Town and Country Planning Act 1990

Appeal by Danescroft (FREOF V Willingdon) LLP

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS
(EXCLUDING INTERNAL ESTATE ROADS BEYOND THE ACCESS TO SERVE THE
MEDICAL CENTRE PLOT) FOR
DEMOLITION OF EXISTING VACANT DWELLING AND ERECTION OF UP TO 180 NO.
DWELLINGS AND MEDICAL CENTRE TOGETHER WITH ALL PARKING, SERVICING
AND ON-SITE OPEN SPACE.

Land at Hindsland, Eastbourne Road, Lower Willingdon, BN20 9NU

Wealden District Council Ref:
WD/2021/0594/MEA

Planning Inspectorate Ref:
APP/C1435/W/22/3293970

CONDITIONS

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: To meet the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 (a) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

(b) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:[LOCATION PLAN REF LP01 and PARAMETER PLAN REF PP01] and Drawing Nos ITL15734-GA-003B (without HPEMAC) and ITL15734-GA-001F (with HPEMAC)

REASON: For the avoidance of doubt

- 4 Prior to commencement of development a phasing plan shall be submitted for approval to the local planning authority. This shall include the phasing for the various elements of the development, including associated infrastructure. Unless otherwise agreed in writing by the Local Planning Authority, the development of the site shall be carried out in accordance with the approved phasing plan.

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to SPO15 and Policy WCS7 of the Wealden Core Strategy 2013 and 'saved' Policy CS1 of the Wealden Local Plan 1998.

- 5 Prior to development of each Phase the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the Local Planning Authority. AR01

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013.

- 6 No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 to the written satisfaction of the Local Planning Authority. AR03(M)

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013.

- 7 Prior to development of each Phase, including any ground works or works of demolition, full written details for a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for:

- a) An indicative programme for carrying out the works;
- b) Measures for protection of retained features and surface water bodies on or adjacent to the site;
- c) A scheme for the control of noise and dust which shall accord with British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites;
- d) Management of traffic visiting the site including the anticipated number, frequency and types of vehicles used during construction, the times of delivery and collections which shall avoid peak traffic flow times between the hours of 0800 to 0900 and 1630 to 1800 and measures necessary to ensure highway safety.,
- e) The method of access, including temporary access points, on-site turning egress and routeing of vehicles temporary parking or holding areas;
- f) The parking of vehicles by site operatives and visitors,
- g) The loading, unloading and storage of plant, materials and waste,

- h) 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),
- i) Measures to minimise the potential for pollution of groundwater and surface water;
- j) Details of measures to manage flood risk, both on and off the site during construction;
- k) The location and design of security hoardings, site offices and storage compounds; and
- l) The arrangements for public consultation and liaison during the construction works.

The approved COCP shall be adhered to in full throughout the construction period.

No bonfires are permitted during site clearance or 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 Policy WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998.

- 8 During the construction phase, no works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays Public or Bank Holidays.

REASON: To protect residential amenity, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998.

- 9 The development shall not be occupied until the necessary strategic highway mitigation works for East Sussex Highway networks have commenced at the A2270 and Polegate High Street signalised junction and the HPEMAC (Stage 1).

REASON: To ensure the impact caused by traffic generated by this development is mitigated and sustainable modes of travel are available having regard to Saved Policy TR3 of the adopted Wealden Local Plan 1998.

- 10 The development shall not commence until technical details of the layout of the access which shall include details of cycle/footway, uncontrolled crossing point, right-turn ghost island/stack lane, drainage, street lighting and signage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be occupied until the construction of the access has been completed in accordance with the approved details and specification.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to WCS7 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

- 11 The access shall not be used until visibility splays of 2.4m by 120m are provided in both directions and maintained thereafter. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to WCS7 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

- 12 For each phase of development before preparation of ground levels for the development approved, detailed plans, including levels, sections and constructional details of the proposed internal access roads, surface water drainage, foul sewers, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority with a view to subsequent adoption as a maintainable highway. The approved details shall be completed with the progress of building construction to the written approval of 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 Saved Policy TR3 of the adopted Wealden Local Plan 1998.

- 13 For each phase of development, before preparation of ground levels of the development approved a scheme for the provision and implementation of foul drainage works shall be submitted and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works

required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage.

REASON: To protect water quality and to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013.

- 14 Prior to either the commencement of development, or commencement of each phase, where a phase is drained independently of any other phase in the development, a detailed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the proposed 18.5l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b. The details of the outfalls of the proposed attenuation ponds and how they connect into the watercourses shall be submitted as part of a detailed design including cross sections and invert levels.
 - c. The detailed design of the attenuation ponds shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, 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 shall be provided.
 - d. Details of the measures proposed to manage exceedance flows and measures to prevent surface water run-off onto the A2270 Eastbourne Road shall be submitted to the Local Planning Authority. This shall also include details of how the existing overland surface water flows have been retained.
 - e. Evidence that the existing watercourses on site have been retained shall be provided.

The surface water drainage shall be provided in accordance with the approved details before first occupation of the related dwellings. Prior to occupation of each phase, evidence (including as built drawings and photographs) shall be submitted showing that the 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 Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

- 15 Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse and programme for implementation shall also be included and, if approved by the Local Planning Authority, implemented in accordance with the approved details and timetable.

REASON: In order to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

- 16 A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site 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

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

REASON: In order to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

- 17 There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

- 18 No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.

The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality and impact on night sky of the South Downs National Park, having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan, and the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

- 19 For each phase of development a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved over the lifetime of the development and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- a) detailed proposals for the protection of bats, birds, reptiles and badgers, and measures for the mitigation of any harm to them likely to be caused by the development;
- b) details of maintenance regimes and management responsibilities;
- c) details of any proposed planting scheme, which should be of native species of local provenance where reasonably practicable, bearing in mind access for maintenance. These should include: wet woodland habitat as part of the tree planting proposals and floodplain meadows as part of the wildflower grassland proposals;
- d) retention of existing watercourses and construction of new swales and ditches (SuDS), ideally with at least one permanently wet pond to operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the existing watercourses; and
- e) provide for connectivity to adjacent watercourses to enhance the potential for breeding and dispersal of reptiles and amphibians on and around this site and to adjacent habitat.

REASON: To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value having regard to adopted policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013

20 Details of landscaping as required by Condition 1 shall include those trees and hedgerows to be retained (including protection zones), those to be removed and new planting. No trees and hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, topped, lopped 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 written 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'.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies WCS13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

- 21 Before preparation of any groundworks or foundations for each phase of the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the associated phase and thereafter so retained. SS05

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy EN1 of the adopted Wealden Local Plan 1998.

CONDITION NOT AGREED BY THE APPELLANT

The Council requests that the following condition is attached to any approval.

Condition to ensure that the 65% Market Housing is delivered as per the application.

The Appellant does not agree with the condition on the basis that the provision of affordable housing is covered within the S106 agreement. This condition however is to ensure that the

65% market housing is delivered in full, having regard to the fact that the residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications. It sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that “local finance consideration” includes sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. This detail is key and does make clear that CIL is relevant to this application as the improvements to meet highway capacity improvements to accommodate this development at junctions on the road network at the A27/A22 Golden Jubilee Roundabout and the A22 Golden Jubilee Way/Dittons Road Roundabout will need to be secured by CIL. CIL is therefore, material to the consideration of this application and the delivery of the 65% market housing proposed in the application, which would be CIL liable. This CIL funding will also help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development if planning permission is granted.

22 *The Reserved Matters submission(s) relating to the Residential Phase shall identify the location of the 65% market dwellings approved to be provided on site. The development shall be carried out in strict accordance with the approved scheme.*

REASON: To ensure that the development comes forward in a form which ensures that its impacts upon infrastructure have been appropriately mitigated and avoids a development coming forward the impacts of which have not been appropriately mitigated having regard to Spatial Planning Objectives SPO3, SPO4, SPO5, SPO13, SPO15 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN1 of the adopted Wealden Local Plan 1998.

CONDITION REQUESTED BY APPELLANT BUT NOT AGREED BY THE LOCAL PLANNING AUTHORITY

The appellant has submitted the following condition which the Council does not agree with on the grounds that these details are not appropriate for determination at Reserved Matters stage and should be approved through the discharge of conditions following approval of Reserved

Matters. Furthermore the details set out in this condition effectively duplicate the matters already covered by the agreed wording for Condition 12 set out above under agreed conditions.

23 *Any application for reserved matters submitted pursuant to Condition 2a shall include details of the proposed roads, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients and street furniture. The development shall be laid out and constructed in accordance with the approved details. The following works shall be completed between a dwelling and the adopted highway prior to first occupation of the dwelling:*

(a) footways except for the wearing course; and

(b) carriageways, except for the wearing course but including a turning facility.

CONDITION REQUESTED BY NATIONAL HIGHWAYS

The following condition had been requested by National Highways, however no justification was provided by National Highways to demonstrate to the satisfaction of the Local Planning Authority and the Appellant that the condition meets the tests of Paragraph 55 of the NPPF.

24 *Prior to 91 occupancies within the development hereby permitted, the highway improvements to the A27 Cophall roundabout shall be constructed and opened to traffic in accordance with Intermodal Transportation Ltd's drawing No IT432/SK/13 "POSSIBLE CAPACITY IMPROVEMENT ON COPHALL RBT" or other such scheme of works to be substantially similar effect as approved by the Local Planning Authority (who shall consult National Highways).*

REASON: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.