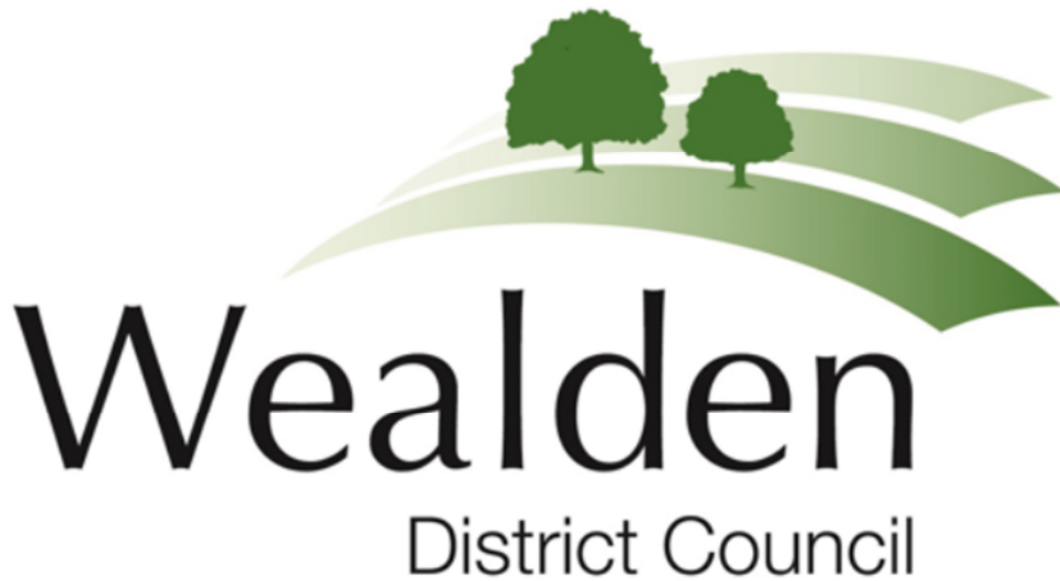




Town and Country Planning Act 1990

Appeal by Croudace Homes Ltd c/o Woolf Bond Planning LLP

Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, TN22 5HA

Wealden District Council Ref:

WD/2024/1799/MAO

Appeal Ref:

APP/C1435/W/24/3356658

DRAFT 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: In accordance with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990.

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

Site Location Plan No. PRB/BIE/201C
Proposed Access Arrangement No. 23138/001 Rev J
Shared Footway/Cycleway Plan No. 23138/004 Rev F
Overall Access Strategy Plan 2318/006 Rev H

REASON: For the avoidance of doubt.

5. The development hereby permitted shall be carried out in general accordance with the Illustrative Parameter/ Land Use Plan No. 292403-TOT-SK-103.

REASON: To ensure the development follows the agreed land use principles and overall layout established at outline stage.

6. Prior to the commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the phasing of all elements of the development, including the delivery of associated infrastructure. The development shall thereafter be carried out in accordance with the approved Phasing Plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to regulate and control the orderly delivery of the development, in accordance with Policy CS1 of the Wealden Local Plan 1998 and Spatial Planning Objective SPO15 and Policy WCS7 of the Wealden Core Strategy Local Plan 2013.

7. No development shall take place until a scheme for the archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the investigation and provision for the recording and reporting of findings. The archaeological works shall thereafter be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the appropriate recording of any archaeological or historical remains that may be present on the site, in accordance with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

8. No phase of the development hereby permitted shall be occupied until the archaeological site investigation and post-investigation assessment for that phase, including provision for analysis, publication and dissemination of results, and archive deposition, has been completed in accordance with the programme set out in the scheme approved under Condition 7.

REASON: To ensure the proper recording, analysis, and dissemination of any items of archaeological or historical interest, in accordance with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

9. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011, Investigation of Potentially Contaminated Sites - Code of Practice, or where superseded the most up to date standards/guidance.
- ii) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011, Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
- iii) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
- iv) If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development/the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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, in accordance with Policy EN1 of the Wealden Local Plan 1998 and Policy WCS14 to the Wealden Core Strategy Local Plan 2013.

10. For each phase of development, no enabling works (including vegetation clearance, demolition or below-ground works) shall take place until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:

- a) An indicative programme for carrying out the works;
- b) Measures for the protection of protected and notable species, retained habitat features and surface water bodies on or adjacent to the site;
- c) A scheme for the control of noise and dust, in accordance with British Standard BS5228-1:2009+A1:2014 (Code of practice for noise and vibration control on construction and open sites);
- d) Management of construction traffic, including the anticipated number, frequency and types of vehicles; delivery and collection times (which shall avoid peak traffic flow periods between 08:00–09:00 and 16:30–18:00); and measures to ensure highway safety;
- e) Details of construction access, including any temporary access points, on-site turning, vehicle egress, routeing and provision of temporary parking or holding areas;
- f) Parking arrangements for site operatives and visitors;
- g) Loading, unloading and storage arrangements for plant, materials and waste;
- h) Provision and use of wheel washing facilities, and any other works required to mitigate construction impacts on the public highway (including the potential use of temporary Traffic Regulation Orders);
- i) Measures to prevent pollution of groundwater and surface water;
- j) Details of temporary flood risk management measures for both on-site and off-site areas during construction;
- k) The location and design of site security hoardings, offices and storage compounds;
- l) Arrangements for public consultation and liaison throughout the construction period.

The development shall be carried out in full accordance with the approved CMP for that phase.

REASON: In the interests of highway safety, residential amenity and environmental protection, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

11. During the construction phase, no works shall take place outside the hours of 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays. No construction works shall take place on Sundays or Public/Bank Holidays.

REASON: To protect the residential amenity of neighbouring occupiers, in accordance with Policy EN27 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

12. For each phase of development, no part of the development shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and supporting hydraulic calculations based on an agreed drainage strategy shall be submitted. The strategy shall demonstrate that surface water run-off from the development will be limited to greenfield run-off rates (where not discharged to ground) and that attenuation storage will be provided to manage rainfall events up to and including those with a 1% (1 in 100) annual exceedance probability (AEP), plus an appropriate allowance for climate change, without resulting in flooding on-site or downstream.
- b) Full details of the outfall arrangements from the proposed attenuation basin(s), including how they connect into the receiving watercourse or other outfall, shall be provided. This shall include cross-sections and invert levels, with specific reference to the landownership boundary.
- c) The detailed design of any shallow soakage or attenuation systems shall be informed by groundwater monitoring undertaken between autumn and spring, along with infiltration testing at the proposed soakaway design depth and location. The design shall ensure a minimum 1 metre unsaturated zone between the base of the soakaways and the highest recorded groundwater level. For tanked attenuation systems, details shall be provided to demonstrate how high groundwater levels will be managed to protect both the hydraulic capacity and structural integrity of the system.
- d) The design shall include details of how surface water flows that exceed the capacity of the drainage system will be managed on-site to ensure they are conveyed safely without increasing flood risk.

The surface water drainage system shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings within the relevant phase. Prior to occupation of each phase, evidence shall be submitted

to the Local Planning Authority (including as-built drawings and photographs) to demonstrate that the key Sustainable Drainage System (SuDS) components, such as attenuation storage, flow control structures and outfall arrangements, have been constructed in accordance with the approved detailed drainage designs.

REASON: To ensure a satisfactory standard of development and to avoid an increase in flood risk, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

13. A maintenance and management plan for the entire surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works on site. The plan shall ensure that the design of the drainage system accounts for the standards and requirements of the body or bodies responsible for its long-term maintenance. The submitted plan shall include:

- a) Clear identification of the party or parties responsible for managing all aspects of the shared surface water drainage system; and
- b) Evidence demonstrating how these maintenance responsibilities will be secured and remain in place for the lifetime of the development.

The approved maintenance and management plan shall be implemented in full and adhered to for the duration of the development's lifetime.

REASON: To ensure the effective long-term management of the surface water drainage system, in order to secure a satisfactory standard of development and to prevent increased flood risk, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

14. No foul or contaminated drainage shall be discharged into groundwater or any surface waters, whether directly or via soakaways. Surface water drainage from all parking areas, roads and hardstanding shall incorporate appropriate pollution prevention measures and be treated in accordance with the Simple Index Approach set out in CIRIA C753, to achieve suitable water quality standards prior to discharge. These measures shall be implemented prior to first use and retained and maintained for the lifetime of the development.

REASON: To prevent pollution of the water environment and ensure appropriate treatment of surface water, in accordance with Policy CS2 of the Wealden Local Plan 1998 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

15. For each phase of development, no part of the development shall commence until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved foul drainage works shall be implemented to the reasonable satisfaction of the Local Planning Authority before any of the associated buildings are first occupied. Where upgrades to the existing infrastructure are

required to provide sufficient capacity for the proposed development, such works shall be completed prior to the connection and acceptance of the development's foul sewage.

REASON: To ensure the development is served by adequate foul drainage infrastructure, to protect water quality and the water environment, and to secure a satisfactory standard of development, in accordance with Policy CS2 of the Wealden Local Plan 1998, and Spatial Planning Objective SPO13 and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

16. No development shall commence until the following highway schemes have been technically accepted and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

1) Bird in Eye Hill:

- Layout of the roundabout and mini-roundabout;
- Extension of the 30mph speed limit from Framfield Road;
- Definition of the extent of the 40mph speed limit;
- Street lighting scheme;
- Uncontrolled pedestrian crossing points;
- Footway/cycleway provision on the west side of the site;
- New bus stops including shelters, seating and Real-Time Passenger Information (RTPI).

2) Framfield Road:

- Provision of dropped kerbs and tactile paving at four junctions.

3) The submitted highway details shall also incorporate the recommendations of a Stage 2 Road Safety Audit and the corresponding Designer's Response.

The approved highway schemes shall be fully implemented prior to the first occupation of the development hereby permitted.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and travelling along the highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

17. No development shall take place until a scheme to secure the extension of the 30mph speed limit and a section of 40mph speed limit along Bird in Eye Hill (B2102), to be implemented by way of a Traffic Regulation Order under the Highways Act 1980, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the proposed timing of the works in relation to the development permitted by this permission, to ensure that the reduced speed limits are in place across the site frontage at an appropriate stage of the development.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and travelling along the highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

18. No development shall take place until a temporary access arrangement has been provided for the occupiers of Lycroft, 18 and 19 Bird in Eye Hill, and the Bird in Eye Farm employment units, to be used for the duration of works until the new roundabout(s) are completed. Details of the proposed temporary access arrangement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works affecting the existing or proposed public highway within the site.

REASON: In the interests of highway safety and to safeguard the amenities of existing properties affected by the development, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998.

19. No development, including any demolition works, shall take place on the site until a pre-commencement condition survey (including photographic evidence) of the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority. Any damage to the highway directly attributable to construction traffic associated with the development shall be repaired at the applicant's expense.

REASON: In the interests of highway safety and to protect the amenities of the area, in accordance with Policies EN27 and TR3 of the Wealden Local Plan 1998.

20. The main access shall not be brought into use until a means of shielding headlamp glare has been installed on the land immediately east of the access road serving properties 18 and 19 Bird in Eye Hill, in accordance with drawing 23138-001 Rev J. The shielding measures shall be retained thereafter on private land and not within the public highway.

REASON: In the interests of highway safety, in accordance with Policy TR3 of the Wealden Local Plan 1998.

21. The new estate roads shall be constructed in accordance with a specification submitted to and approved in writing by the Local Planning Authority. All roads shall be constructed to an adoptable standard.

REASON: In the interests of safety for persons and vehicles using the site and/or the adjoining road, having regard to Policy TR3 of the Wealden Local Plan 1998.

22. For each phase of development, and prior to the commencement of any groundworks or preparation of ground levels, detailed plans shall be submitted to and approved in writing by the Local Planning Authority. These shall include levels, sections and constructional details of the proposed internal access roads, surface water drainage, foul sewers, outfall disposal and street lighting, with a view to their subsequent adoption as maintainable highway infrastructure. The development shall thereafter be carried out in full accordance with the approved details.

REASON: In the interests of the safety of persons and vehicles using the site and/or the adjoining highway, in accordance with Policy TR3 of the Wealden Local Plan 1998.

23. **Two versions for discussion as follows:**

(i)

No development above ground level shall take place until a scheme for the re-provision of the 18 parking spaces, as shown on plan no. 23128/017F, has been submitted to and approved in writing by the Local Planning Authority, and an application to vary planning permissions 1986/1823/F and 1986/1824/LB has been submitted to and approved by the Local Planning Authority to reflect this re-provision. The approved scheme shall be implemented in full prior to the first occupation of any part of the development and shall thereafter be retained for parking purposes.

REASON: To ensure that adequate parking provision is maintained for the existing farmstead and associated commercial units, in the interests of highway safety and the continued operation of existing land uses, in accordance with Policies TR3 and TR16 of the Wealden Local Plan 1998.

(ii)

No development above ground level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which secures, through a planning obligation or other legally binding agreement which runs with the land to which it relates, the re-provision of the 18 parking spaces as shown on plan no. 23128/017F and an application to vary planning permissions 1986/1823/F and 1986/1824/LB has been submitted to and approved by the Local Planning Authority to reflect this re-provision. The approved scheme shall be implemented in full prior to the first occupation of any part of the development and shall thereafter be retained for parking purposes.

For the avoidance of doubt, the submitted scheme shall include:

- 1. a plan identifying the land on which the re-provided parking will be located;*
- 2. an assessment of the impacts of the provision of that parking on vehicular and pedestrian movements on the wider site;*
- 3. the legal mechanism by which the parking will be delivered;*
- 4. a programme for implementation.*

No development above ground level shall take place until the Local Planning Authority has confirmed in writing that the agreement or obligation securing the scheme has been completed.

REASON: To ensure that adequate parking provision is maintained for the existing farmstead and associated commercial units in light of the loss of parking immediately outside of the Oast, in the interests of highway safety and the continued operation of existing land uses, in accordance with Policies TR3 and TR16 of the Wealden Local Plan 1998.'

24. For each phase of development, a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities, and maintenance schedules for all landscaped areas (excluding privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints that may influence management;
- c) the aims and objectives of management;
- d) appropriate management options for achieving those aims and objectives;
- e) detailed prescriptions for management actions, including a plan of management compartments;
- f) 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; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanisms by which long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery. The plan shall set out how any necessary contingencies and/or remedial actions will be identified, agreed, and implemented if monitoring indicates that the conservation aims and objectives of the LEMP are not being met, to ensure that the development continues to deliver the approved biodiversity objectives. The LEMP shall be implemented as approved and adhered to for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the protection of wildlife and supporting habitat, and to secure opportunities for enhancing the site's nature conservation value, in accordance with Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

25. No development, including any site clearance, shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be informed by up-to-date survey data and shall include details of:

- a) the timing of works;
- b) methods for the protection of reptiles during construction;
- c) receptor site(s) if translocation is required;

- d) habitat enhancement measures; and
- e) a programme of monitoring and management.

The development shall be carried out in full accordance with the approved strategy.

REASON: To ensure adequate protection and conservation of reptiles and their habitats, in accordance with Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

26. 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 BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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 EN12 and EN14 of the Wealden Local Plan 1998, and Policies WCS13 and WCS14 of the Wealden Core Strategy Local Plan 2013.

27. Before the commencement of any groundworks or foundation works for each phase of the development hereby approved, full details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how water and energy efficiency measures, the use of renewable energy and sustainable construction techniques will be incorporated within that phase of the development. The approved measures shall be implemented prior to the

occupation of the relevant phase and shall be retained and maintained thereafter.

REASON: To promote sustainable building design, reduce environmental impacts and support the transition to a low-carbon future, in accordance with Policy EN1 of the Wealden Local Plan 1998 and Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14 of the Wealden Core Strategy Local Plan 2013.

28. No floodlighting, security lighting or other external means of illumination shall be installed, operated or provided within the development other than in accordance with a detailed lighting scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all external lighting is low level, directional and designed to minimise light spill and glare. It shall conform to the requirements for Environmental Zone E2 as set out in Table 2 of the Institute of Lighting Professionals' Guidance Note 01/21: The Reduction of Obtrusive Light, and to the guidance set out in the Bat Conservation Trust and Institute of Lighting Professionals' Guidance Note 08/23: Bats and Artificial Lighting at Night, or any subsequent guidance that supersedes it.

The approved lighting scheme shall be implemented in full prior to the installation or operation of any external lighting and shall be retained and maintained in accordance with the approved details thereafter.

REASON: To protect the rural character of the area and safeguard the residential amenities of neighbouring occupiers, and to avoid adverse impacts on bats and other light-sensitive protected species through inappropriate or excessive artificial lighting, in accordance with Policies EN27 and EN29 of the Wealden Local Plan 1998, and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

29. No part of the development shall be occupied until a scheme for the provision of a public heritage display or interpretation board, including details of its design, content and location, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to occupation and permanently retained thereafter.

REASON: To enhance public understanding and appreciation of the site's heritage interest, in accordance with Spatial Planning Objective SPO2 of the Wealden Core Strategy Local Plan 2013.

30. The development shall be carried out in full accordance with the construction-phase mitigation measures set out in Section 7 of the Air Quality and Emissions Mitigation Assessment (Rev 2), prepared by SLR Consulting Limited and dated 26 July 2024. The approved measures shall be implemented for the duration of the construction works.

REASON: To minimise air quality impacts arising during the construction phase of the development, in the interests of public health and environmental protection, in accordance with Policy EN27 of the Wealden Local Plan 1998,

and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.
