planning
transport
design
environment
infrastructure
land

Statement of Common Ground

Mockbeggars Farm, London Road, Uckfield, TN22 2EA

January 2024 MWB/LS/30166

Contents

1 INTRODUCTION 3

1.1 Overview 3

2 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA 4

3 PLANNING APPLICATION 6

Drawings 6
Reports 6

4 DEVELOPMENT PLAN 8

4.1 Introduction 8
4.2 The Development Plan 8
Core Strategy Local Plan (Adopted February 2013) 8
Wealden Local Plan 1998 9
Affordable Housing Delivery Local Plan 2016 11
4.3 Other Material Considerations 11
Wealden Design Guide 2008 11

5 MATTERS NOT IN DISPUTE 12

5.1 Housing Land Supply 12
5.2 Wealden Local Plan 1998 Policies GD2 and DC17 13
5.3 Layout and Design 13
5.4 Landscape Impact 13
5.5 Ecology 14
5.6 Sustainability 14
5.7 Highways 15
5.8 Affordable Housing 15
5.9 Self-Build and Custom Housing 15
5.10 Flood Risk and Drainage 15
5.11 Heritage and Archaeology 16
5.12 Impact on Neighbours 16

6 MATTERS IN DISPUTE 17

7 SECTION 106 AGREEMENT 18

8 CONDITIONS 19

9 CORE DOCUMENTS 20

10 DECLARATION BY PARTIES TO THIS STATEMENT OF COMMON GROUND 21

Appendices

APPENDIX 1 Requested Conditions
APPENDIX 2 Core Document List

1 Introduction

1.1 Overview

1.1.1 This Statement of Common Ground (SoCG) sets out the matters which are agreed between Obsidian Strategic Asset Management Ltd (referred to as 'the Appellants') and Wealden District Council (referred to as 'the Council').

1.1.2 The SoCG is made for the purposes of the appeal to planning application WD/2022/0648/MAO.

1.1.3 The description of development is as follows:

> *'outline application for the development of 60 no. dwellings, access and internal roads, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access'.*

1.1.4 This statement addresses the following areas of common ground:

(1) Description of the site and the surrounding area;

(2) Planning history of the site;

(3) Submitted Application;

(4) Development plan and other material considerations;

(5) Matters not in dispute;

(6) Matters in dispute;

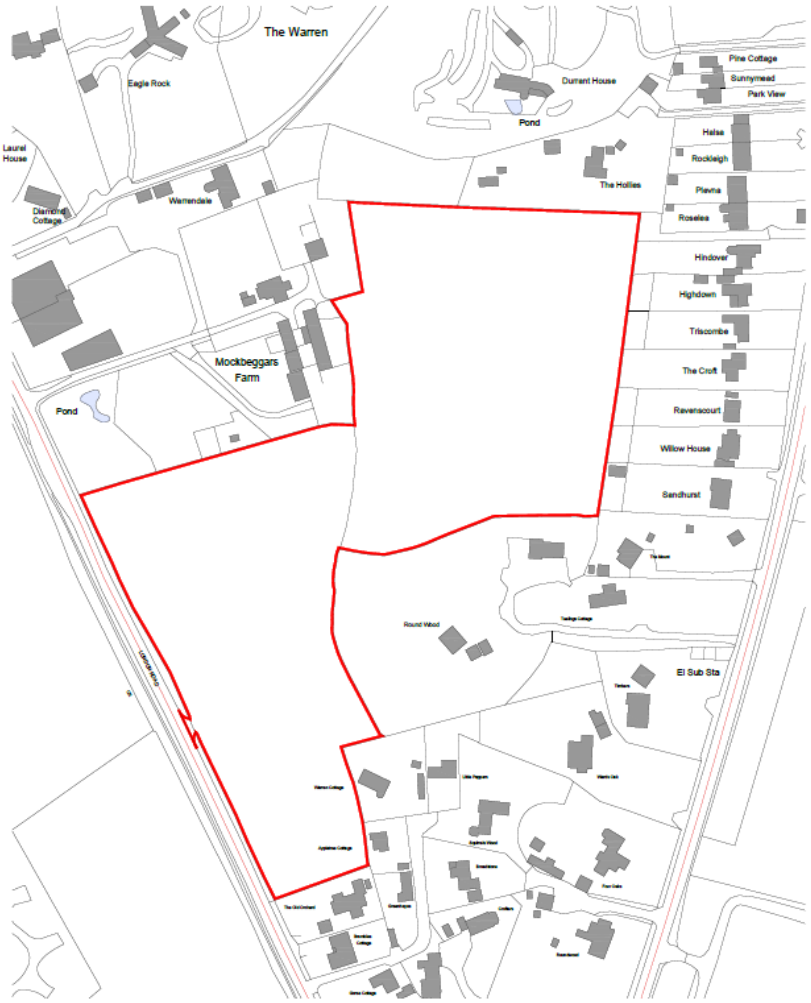
(7) Section 106 Agreement;

(8) Core Documents

1.1.5 All statements within this document are agreed between the Appellants and the Council, unless otherwise stated.

2 Description of the appeal site and surrounding area

2.1.1 The appeal site comprises approximately 3.62 hectares of land at Mockbeggars Farm, on the east side of London Road, Uckfield.



Ordnance Survey, (c) Crown Copyright 2021. All rights reserved.
Licence number 100022432

Figure 1: Site Location Plan

2.1.2 The site is formed of two separate fields, separated by an existing hedgerow and broadly equal in size, with gentle variations in ground levels and topography. The site is generally very well contained with limited views into and out of the site available from public vantage points. Vehicle access is currently provided via a track off London Road.

2.1.3 The site's boundaries are made up of a mixture of hedgerows and post and wire fencing. The site adjoins existing development in each direction, mainly comprising detached residential properties to the south and east, plus agricultural buildings adjoin the site to the north west, beyond which is a caravan dealership and a used car dealership. Two existing dwellings sit to the north east, and an area of ancient woodland (Round Wood) abut the south eastern boundary of the site.

2.1.4 The site is approximately 1.3km north of Uckfield town centre, within the wider Uckfield urban area. It is outside the designated development boundary and occupies a position between Ringles Cross to the south and Budletts Common to the north. Further afield is Five Ash Down to the north and Maresfield to the north west.

2.1.5 The site benefits from its close proximity to Uckfield, Maresfield and Five Ash Down. Uckfield is a district centre which provides a range of services and amenities including employment, healthcare (including Uckfield Hospital) and education (including Uckfield College). An existing footway exists on London Road providing walking opportunities to each of these settlements. Nearby amenities include the Bonners C of E Primary School and the Stepping Stones Pre-School south of Maresfield, approximately 1km north of the site, accessible by public footway. The Blue Asia Restaurant sits 200m north of the site and the Ringles Cross Public House is 500m to the south.

3 Planning Application

3.1.1 The planning application was submitted to the Council on 9th March 2022 and validated on 26th April 2022 under reference WD/2022/0648/MAO ("the Application").

3.1.2 The Application comprises the following drawings and supporting reports:

Drawings

Plan	Drawing Number
Site Location Plan	20179–S101-C
Site Survey Plan	20179-S102-A
Proposed Indicative Sketch Layout Plan	20179-C101-G
Coloured Sketch Street Elevations	20179-C102-B
Indicative Land Use Parameter Plan	20179-C103-D
Landscape Strategy Plan	7397-ASP3-C
Proposed Indicative Amenity Space Plan	20179 / C104

Reports

Document	Author
Planning Statement	DHA Planning
Completed Application Form	DHA Planning
Cover Letter	DHA Planning
Design & Access Statement	OSP Architecture
Arboricultural Development Report	*Tree:* Fabrik
Arboricultural Survey (including RPA)	*Tree*: Fabrik
Biodiversity Checklist	Aspect Ecology
Ecological Appraisal	Aspect Ecology
Energy & Sustainability Report	Green Tiger Sustainability
Flood Risk Assessment & Drainage Strategy	Glanville
Heritage Statement	Savills
Landscape and Visual Impact Assessment	Aspect Landscape Planning
Transport Assessment (including Access Design and Pedestrian Crossing)	DHA Transport
Statement of Community Involvement	Development Intelligence
Schedule of Accommodation	OSP Architecture
Transport Technical Note (November 2022)	DHA Transport
Transport Technical Note – Response to ESCC (January 2023)	DHA Transport
Transport Technical Note – Response to Uckfield Town Council (January 2023)	DHA Transport
Transport Technical Note (February 2023)	DHA Transport
Travel Plan	DHA Transport

3.1.3 The application giving rise to this appeal was recommended for approval by the Head of Planning and Environmental Services in the committee report dated 15th June 2023. Whilst it is acknowledged that the development is in conflict with

Policies GD2 and DC17, material considerations which weigh heavily in favour of the proposed development include the housing need (of all tenures) and that the Council is unable to demonstrate a five year supply of deliverable housing land. The presumption in favour of sustainable development identified in paragraph 11 of the NPPF was engaged and given significant weight in the planning balance. Therefore, the site was assessed by Officers as being suitable for residential development.

3.1.4 Officers opined in their Report to Planning Committee North [CD5.1] that there was no significant harm to, or adverse impacts arising from; landscape character, biodiversity, or the efficient use of land.

3.1.5 However, planning permission was refused contrary to the advice of the Head of Planning and Environmental Services at the Council's Planning Committee North on 15th June 2023. The Decision Notice was subsequently issued on 22nd June 2023 and can be seen at CD4.1.

4 Development Plan

4.1 Introduction

4.1.1 The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved by Direction in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016. There are 'made' Neighbourhood Plans in the District, but none are engaged but the appeal scheme.

4.1.2 In addition to the development plan, there are other material considerations including the revised National Planning Policy Framework (NPPF) (December 2023) and other supplementary planning guidance and standards.

4.2 The Development Plan

Core Strategy Local Plan (Adopted February 2013)

4.2.1 The following policies of the adopted Core Strategy are considered relevant to the proposed development. The policies most relevant to the determination of the appeal are GD2, DC17, EN27 and WCS14.

Policy Reference	Description
SP03	**Spatial Planning Objective 3:** To deliver at least 9440 homes within Wealden from 2006 to 2027.
SP06	**Spatial Planning Objective 6:** To support the growth of the Wealden economy by helping existing companies to expand and develop.
SP07	**Spatial Planning Objective 7:** To encourage the reduction of the need to travel by car.
SP013	**Spatial Planning Objective 13:** To encourage the development of high quality, safe and attractive living environments for communities in both towns and villages, while promoting local distinctiveness through good design in all new development.
SP015	**Spatial Planning Objective 15:** Expects new development to contribute to strategic and local infrastructure requirements, through both on site facilities and financial contributions for off-site works
WCS1	**Provision of Homes and Jobs 2006-2027:** States that land will be identified in subsequent Development Plan Documents for the provision of some 4525 net additional dwellings in Wealden District to provide for 9440 dwellings over the period 2006-2027. It also states that provision will be made for some net additional 40,000 sq. metres net employment floorspace (B1/B2/B8) to provide for 128,695 sq. metres net employment floorspace and 17,000 sq. metres net additional retail floorspace over the period 2006-2027.
WCS2	**Distribution of Housing Growth 2006-2027:** Sets housing distribution and identifies broad locations to meet the housing provision of WCS1.
WCS5	**Managing the Release of Housing Land:** States that the release of land for housing will be managed so that it will deliver the

	level and broad distribution of development set out in Policy WCS2.
WCS7	**Effective Provision of Infrastructure:** States that the release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development.
WCS8	**Affordable Housing:** States that affordable housing will be required at a level of 35% of the number of dwellings in any scheme.
WCS12	**Biodiversity:** Seeks to ensure that habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas. This policy also establishes an 'avoid and mitigate' impact around a zone of influence to the Ashdown Forest.
WCS13	**Green Infrastructure:** Seeks to protect, improve and enhance the District's existing network of green infrastructure.
WCS14	**Presumption in Favour of Sustainable Development:** States that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Wealden Local Plan 1998

4.2.2 The following 'saved' policies of the Wealden Local Plan 1998 are also considered relevant to the proposed development.

Policy Reference	Description
GD2	**Development outside development boundaries:** States that outside the development boundaries, development will be resisted unless it is in accordance with specific policies in the Plan.
EN1	**Sustainable Development:** States that the Council will pursue sustainable development in considering the location, layout and design of development, renewable energy and waste management proposals and in assessing the effects of proposals on the environment, including on water and air quality.
EN2	**Development Pattern:** States that the Council will seek to maintain the existing settlement pattern and ensure that major new developments generating significant travel movements are located efficiently in relation to existing development and to public transport.
EN8	**Low Weald:** States that development within the Low Weald will only be permitted if it conserves the low rolling agricultural character of the landscape.
EN12	**Protection of trees and woodlands:** Seeks to retain and enhance the contribution of trees and woodland areas to the landscape character of the District.
EN13	**Ancient Woodlands:** Seeks to resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands.
EN14	**Landscaping within developments:** States that in appropriate cases, the Council will require landscaping, including surface treatments, to be carried out as part of development proposals.

EN15	**Designated nature conservation sites:** States that the Council will seek to safeguard designated nature conservation sites by resisting development or land use changes which would be likely to adversely affect their nature conservation value.
EN18	**Protection of open areas within settlements:** States that the Council will resist the loss of open areas and undeveloped gaps within settlements which contribute to the character or amenities of the locality.
EN27	**Layout and Design of development:** Expects developers to aim for a high quality of design in all proposals.
EN29	**Light Pollution:** Requires light spillage to be minimised and the use of the minimum intensity of light necessary to be compatible with safety and security objectives.
DC17	**Housing development in the countryside:** States that housing development will not be allowed outside development boundaries, as defined on the Proposals Map, unless it conforms with other policies in the Plan.
HG5	**Dwelling mix within new development schemes:** Seeks a mix of dwelling types and sizes on new estate developments.
HG6	**Crime prevention in new housing developments:** States that regard should be paid to crime prevention in the design and layout of the housing areas.
HG7	**Energy consideration in new housing developments:** States that consideration should be given to energy conservation in the design and layout of new housing areas.
CS1	**Provision of capital works and services:** States that development will not be permitted before the Council is satisfied that the capital works directly required to service the development are provided at the time development takes place or will be provided at the appropriate time.
CS2	**Drainage:** States that planning applications will be permitted only where adequate provision is made for surface and foul water drainage to meet Local Authority standards.
CS4	**Recycling enclosures:** States that within new housing developments over 40 dwellings, when appropriate, the Council will seek the provision of a purpose built enclosure for the containment of recycling facilities.
TR3	**Traffic impact of new development:** Seeks to ensure that new developments do not create or perpetuate unacceptable traffic conditions.
TR13	**Footpaths and Bridleways:** Seeks to secure the provision of safe and convenient pedestrian routes in new developments.
TR16	**Car Parking Standards:** Requires the on-site provision of vehicle parking and servicing in accordance with the standards set out in Appendix 6.
LR1	**Provision of outdoor playing space:** States that the Council will seek to ensure that adequate outdoor playing space is provided in towns and villages within the District in accordance with the levels recommended by the National Playing Fields Association.
LR3	**Children's play space in developments of 30+ dwellings**: Requires new residential development of 30 or more dwellings to contain children's play space at a rate of 0.6 – 0.8 hectares per thousand population, including an equipped area at a rate of 0.2 – 0.3 hectares per thousand population.
LR5	**Informal amenity space in new residential developments:** Seeks the provision of informal amenity space in all large new housing developments.

Affordable Housing Delivery Local Plan 2016

4.2.3 The following policy of the Affordable Housing Delivery Local Plan is considered to be highly relevant to the proposed development.

Policy Reference	Description
AFH1	**Affordable Housing:** States that affordable housing is required at a level of 35% of the number of dwellings on development sites with 5 (net) dwellings or more.

4.3 Other Material Considerations

4.3.1 As well as the National Planning Policy Framework and the Planning Practice Guidance, the following is considered relevant in this case.

Wealden Design Guide 2008

4.3.2 The purpose of the Wealden Design Guide is to encourage a higher standard of design for development within the District.

4.3.3 The following sections of the Design Guide are considered to be of particular relevance:

(1) Chapter 5 (Site and character Appraisals):

(i) Parts 4.4, 7.7, 8.6 and 10.3;

(2) Chapter 7 (New Residential Development):

(ii) Part 4.8.

5 Matters not in Dispute

5.1 Housing Land Supply

5.1.1 It is agreed that the Council cannot demonstrate a five year housing land supply.

5.1.2 When the appeal scheme was determined, the Council's published Authority Monitoring Report ('AMR') showed a position that equates to a supply of not more than 3.92 years as at 1st April 2022. The then Housing Delivery Test measurement for 2021, published on 14th January 2022, was 82%, requiring a 20% buffer to continue to be applied to their housing land supply requirements.

5.1.3 In December 2023, the Council updated its AMR (see CD6.3), this shows there are 5,513 (net) dwellings on identified sites that the Council considers suitable and available now for the five-year period, which is some 1,687 (net) dwellings less than the 7,200 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to 3.83 years of housing land supply as of 1 April 2023, which is a slight reduction when compared to the 3.92 years supply as of 1 April 2022 that was previously reported.

5.1.4 The Appellants refer to an appeal decision, dated 5 January 2023 (ref APP/C1435/W/22/3301104, copy at CD12.3) which approved 58 new homes near Framfield. This decision includes some debate about the Council's five year housing supply. However, that appeal was uncontested and the Council offered no evidence to the Inquiry. Although the Inspector refers to a supply of 2.78 years proffered by the Appellants in that case, this was in the context of the Council not offering "substantive evidence". That decision refers to common ground between the main parties that the supply the shortfall is "substantial", and the Inspector in that case agreed.

5.1.5 The Casework Management Note ('CMC' 20 December issued by PINS, see CD11.9) sets out at paragraph 15 that the appeal would proceed in the basis of a range, at no more than 3.92 years with the Appellants considering that figure to be lower based on the number of major sites that only have outline consent.

5.1.6 The Appellant considers that the Five-Year Housing Land Supply Statement - as of 1st April 2023 (December 2023) is not a sound basis to assess the current supply position and that the supply is more accurately estimated as equivalent to 3.19 years. The Council maintains the supply is 3.83 years or 76.6%. The shortfall is:

- 1,687 dwellings on the Council's figures
- 2,600 dwellings on the Appellant's figures

5.1.7 It is therefore agreed that the Council "cannot demonstrate a five year supply of deliverable housing sites" (NPPF footnote 8) and that the degree of five year supply shortfall is significant and full weight must be given accordingly given the agreed range in the five year housing land supply.

5.1.8 As a result, as this is a scheme "involving the provision of housing" NPPF paragraph 11 (d) applies and the policies most relevant to the determination of the appeal (GD2, DC17, EN27 and WCS14) are deemed to be out of date.

5.1.9 As such the NPPF 'tilted balance' applies, and in accordance with paragraph 11d)ii, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.2 Wealden Local Plan 1998 Policies GD2 and DC17

5.2.1 It is agreed that Local Plan Policies GD2 and DC17, which seek to resist development outside the development boundaries, are "out of date" in the context of the 2013 Core Strategy Local Plan which is the more 'up to date' plan, aimed at guiding development up to 2027.

5.2.2 It is agreed that the officer's advice to the Council set out in the officer's report to committee [CD5.1] was that the conflict with the development plan in this regard is "afforded substantially less weight in the planning balance" however it is agreed that weight is ultimately a matter for the decision maker.

5.3 Layout and Design

5.3.1 It is agreed that as an outline application (save for the access onto London Road) all other matters (i.e. appearance, landscaping, layout and scale) are reserved matters.

5.3.2 It is therefore agreed that the appeal has to demonstrate whether the quantum of development of 60 dwellings proposed, accessed from the site access proposed and as detailed can be adequately accommodated within the constraints of the appeal site without causing unacceptable harm.

5.4 Landscape Impact

5.4.1 The application was supported by a GLVIA3 compliant Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning Ltd (Ref: 7397.LVIA.002.VF, Feb 2022).

5.4.2 It is agreed that the Officer's advice to the Council set out in the officer's report to committee [CD5.1] was that although the loss of the two fields would permanently change the character of the immediate area, "given the proposed boundary enhancements and the existing landscape character, the change is not considered materially harmful to a degree that would constitute a reason to refuse planning permission". There was no objection by WDC Officer's to the application on landscape and visual grounds.

5.4.3 In addition, at no time has the Council challenged the methodology within the LVIA during the application. No alternative site specific qualitative landscape assessment has been undertaken by WDC to dispute the findings of the submitted LVIA. The Council concurs with the findings of the submitted LVIA.

5.4.4 The selection of Viewpoints contained within the LVIA are considered to be representative of the Site and its landscape context and there was no request for any additional Viewpoints during the course of the application.

5.4.5 It is agreed that the Appeal Site has a settlement fringe character with a number of surrounding urbanising components and the existing land uses exerting an

influence on the Site. The immediate setting to the Appeal Site includes built form to the north, east and south which combined with the extent of established vegetation structure provides a high degree of visual and physical containment to the Appeal Site. The Appeal Site's contribution to the wider landscape is limited due to the visually and physically enclosed nature of the Site. Longer distance views of the Appeal Site are limited.

5.5 Ecology

5.5.1 It is agreed that the original concerns raised by WDC Biodiversity related to impacts upon the local ecological network, ecological connectivity and local bat populations/fragmentation of habitats have been alleviated.

5.5.2 In addition, the development has been stepped away from the adjoining ancient woodland by 20m, which is above the minimum distance required for this habitat. This includes sufficient tree and shrub species planting to provide a physical buffer.

5.5.3 It is agreed that the Officer's advice to the Council set out in the officer's report to committee [CD5.1] was that the proposed density could enable an appropriate layout that would allow preservation of biodiversity and habitats, providing suitable mitigation for existing wildlife and enhancements to habitat (including the enhancement of connectivity between parcels of ancient semi-natural woodland in the vicinity of the site).

5.5.4 Post the determination of the application, the Appellant commissioned additional supporting plans and reports to supplement the existing plans and reports against which the application was determined. Whilst no changes to the scheme were made, additional information was provided in respect of ecological and biodiversity matters. This additional information comprised:

- Landscape Strategy Plan
- Biodiversity Net Gain Assessment
- Shadow Habitat Regulations Assessment
- Ecological Lighting Design Principles
- Site Location Plan (amended to show two road names)

5.5.5 As set out in the Council's notification to PINS confirming withdrawal from the appeal, it had due regard to these submissions which were made after the refusal of planning permission and lodged with the Grounds of Appeal.

5.6 Sustainability

5.6.1 The closest town to the appeal site is at Uckfield which does have a development boundary and incorporates a range of key services and amenities. As a result, the appeal site would not be considered to be isolated when considered against Paragraph 80 of the National Planning Policy Framework. In addition, whilst the site is located outside the development boundary, it is agreed that in order to meet the housing requirement, greenfield release outside settlement boundaries is required as reflected in the Core Strategy.

5.6.2 In addition, whilst the appeal site is located outside the development boundary, it is agreed that there has been significant development which has breached that boundary across the District. Locally, at Uckfield, that is primarily to the South West of the Town via policy SD1 of the 2013 Core Strategy which allocated 1,000 dwellings as an urban extension to the town, all outside the 1998 development boundary. Such releases are required of the Council is to deliver its required housing growth as per the NPPF. The parties agree, however, that there has been no significant development released on greenfield site close to the appeal site.

5.7 Highways

5.7.1 A new access is proposed from London Road, central to the site frontage and is a simple priority junction with 5.5m wide width and a 2m wide footway on the south side. Tracking drawings demonstrate that a large refuse vehicle is able to enter and exit the site in a safe and convenient manner.

5.7.2 The footway terminates approximately 10m south of the access where a dropped kerb and tactile paving is indicated to enable connection to the existing footway network. There is a designated, paved walking route to the services and amenities.

5.7.3 It is agreed that the original concerns raised by ESCC Highways have been addressed and overcome, and their response dated 17th February 2023 confirms it has no objection subject to the imposition of conditions and s106 agreement, and there is no reason for refusal in relation to this matter.

5.8 Affordable Housing

5.8.1 The appeal proposal provides 35% affordable housing in full accordance with adopted policies. It is agreed that there is a shortage of social/affordable rented accommodation and affordable home ownership. There is no reason for refusal relating to the provision of affordable housing.

5.9 Self-Build and Custom Housing

5.9.1 Three of the dwellings (5%) will be for self-build/custom housing. The Self-build Custom Housebuilding Act 2015 (as amended) requires the Council to grant planning permission for enough serviced plots to meet the demand in the District. It is agreed that the Council is currently not meeting the identified demand, and this must be afforded weight in the balance of considerations.

5.10 Flood Risk and Drainage

5.10.1 The Local Lead Flood Authority and WDC Drainage are satisfied overall the proposals are acceptable in terms of surface water management and local flood risk at this stage.

5.10.2 In addition, Southern Water do not identify any concerns regarding capacity or foul water flood risk, and there is no reason for refusal in relation to this matter.

5.11 Heritage and Archaeology

5.11.1 It is agreed that any Listed Buildings in the wider area and Buxted park, will not be affected by the proposed development. The WDC Conservation officer within their consultee response raised no objection to development and there is no reason for refusal in relation to this matter.

5.11.2 It is agreed that any archaeological fieldwork mitigation considered necessary could be carried out under the terms of a suitably worded archaeological planning condition. ESCC agree with this and within their consultee responses raise no objection subject to planning conditions requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation.

5.12 Impact on Neighbours

5.12.1 It is agreed that matters relating to residential amenity will be addressed when the detailed design is developed through the submission of Reserved Matters application(s), and there is no reason for refusal in relation to this matter.

6 Matters in Dispute

6.1.1 In light of the decision by the Council not to contest the appeal and having regard to the travelling s106 agreement (see section 7), the only item between the parties at the time of this SoCG is the extent of shortfall in the five year land supply.

7 Section 106 Agreement

7.1.1 A formal S106 will be progressed as the appeal proceeds and finalised in accordance with PINS timetable requirements. However, in summary formal requests have been made for the completion of a Section 106 Agreement to secure:

(1) 35% affordable housing provision to include first homes.

(2) 5% serviced plots for custom and self-build units.

(3) A financial contribution towards SANGS and SAMMS.

(4) A financial contribution toward off-site youth and adult recreation space in Uckfield in accordance with the requirements of the Council's current evidence base (at the time of writing this is draft SPG Outdoor Playing Space and saved policies LR1, LR3 and LR5 of the Wealden Local Plan).

(5) On-site open space and play space to be retained in perpetuity.

(6) Highways works to include:

- Site access and grading;
- Crossing point with refuge;
- Footway on east side of London Road;
- Southbound bus stop and infrastructure (cage, shelter, seating, RTPI, raised kerb);
- Footway widening to minimum of 1.5m between proposed crossing and Paygate/1 Ringles Cottage;
- Footway enhancement Ringles Cross to Snatts Road and double yellow lines (TRO);
- Snatts Road junction realignment;
- Layby to accommodate current on-street parking for 4 spaces;
- Northbound bus stop with infrastructure layby/parking (cage, shelter, seating, RTPI, raised kerb).

8 Conditions

8.1.1 Paragraph 55 of the National Planning Policy Framework (2023), states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

8.1.2 The Appellant notes that various conditions have been suggested by the Case Officer in the Committee Report, attached at Appendix 1. In the event of the appeal being allowed, the Appellant would be happy to accept these conditions as worded where the Inspector considered these to meet all the tests for conditions.

9 Core Documents

9.1.1 The attached list at Appendix 2 indicates the documents forming the planning application submitted to Wealden District Council.

9.1.2 These documents and the others listed, together with other documents as necessary, will form the basis of a common Core Documents list between the parties to these appeals.

10 Declaration by Parties to this Statement of Common Ground

10.1.1 This document is the Statement of Common Ground for appeal reference APP/C1435/W/23/3330872 between Wealden Council as Local Planning Authority and the Appellant and identifies matters that are both agreed and not agreed between these parties:

Signed: 

Name: Stacey Robins

On behalf of Wealden District Council

Date: 24 01 2024

Signed: 

Name: Mark Bewsey

On behalf of the appellants

Date: 24 01 2024

APPENDIX
1



Outline planning permission BE GRANTED, subject to the following conditions:-

(1) Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the siting, design and external appearance of the buildings to which this permission relates and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

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

(2) (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of two years beginning with the date of the grant of this outline permission; and

(b) the development to which this permission relates must be begun no later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

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

(3) 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. AR01

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.

(4) 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 (3) 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 Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

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

- Temporary access provision.
- The anticipated number, frequency and types of vehicles used during construction.
- The method of access, turning, 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.
- 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).
- Details of public engagement both prior to and during construction works.
- A scheme for the control of noise and dust.
- Measures to manage flood risk, both on and off the site, during the construction phase.

NOTE: All works shall ensure compliance with guidance found in British Standard `BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites.

REASON: In the interests of highway safety and the amenities of the area, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

(6) During the site preparation and construction phases no audible works or deliveries/removals shall be undertaken other than within the times Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays or Public/Bank Holidays.

REASON: To protect the residential amenities of the locality, 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 paragraph 135 of the National Planning Policy Framework 2023.

(7) No 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 foul drainage works shall be implemented in accordance with the approved details. There shall be no occupation of the development until it has either been confirmed by Southern Water that there is capacity for that Phase of the development or where an upgrade to the infrastructure is required that the necessary upgrades have been implemented and confirmed by Southern Water to the Local Planning Authority.

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.

(8) 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:

- If the Infiltration Proposal (detailed within the Flood Risk Assessment) is proposed, the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring undertaken between autumn and spring. The strategy should be supported by detailed drainage drawings and hydraulic calculations which should take into account the connectivity of the different surface water drainage features.

- If Attenuation Proposal (detailed within the Flood Risk Assessment) is proposed, surface water discharge rates should not exceed Qbar for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted to support the detailed drainage drawings of the drainage strategy. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

- The condition of the ditch/drain which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements should be carried out prior to construction of the outfall.

- The details of the outfall of the proposed attenuation pond should be provided as part of the detailed design. This should include cross sections and invert levels.

- The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

- The detailed design of the attenuation pond/permeable paving should 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 ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings.

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

(9) A maintenance and management plan for the entire drainage system should be submitted to the 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 should 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 that 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 SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

(10) 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 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.

(11) Before preparation of any groundworks or foundations for 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 and the development shall be carried out in accordance with the approved details and thereafter so retained.

NOTE: The provision of air conditioning units, small wind turbines, and ground/air source heat pumps to meet the requirements of this condition would require a scheme to provide details of octave band sound levels and noise mitigation measures to limit their impact. Any unit shall not be audible beyond the boundary of each individual premises. The scheme shall also include provision for post-installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority.

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the Wealden Design Guide, Chapter 4.

(12) The reserved matters submission shall identify the location of the 65% market dwellings 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.

(13) The development shall not commence until technical details of the layout of the access and all associated off-site highway works which shall include details of new and enhanced footways, uncontrolled crossing point, bus stops, new layby and layby enhancements, Snatts Road junction improvements, and associated Traffic Regulation

Orders (speed limits and parking restrictions) have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the technical highway scheme and Traffic Regulation Orders have been authorised and completed.

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

(14) The access shall not be used until visibility splays which accord with those shown on Drawing 16997-H-03 Rev P3 within the Transport Technical Note (date stamped 13.01.2023) 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 SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

(15) Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

REASON: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, having regard to SPO2, SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

(16) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road(s), surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

REASON: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

(17) The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to subsequent adoption as publicly maintained highway.

REASON: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

(18) The Travel Plan Statement, once approved, shall be in operation from first occupation of development. The appointed Travel Plan Coordinator shall provide a monitoring

report to the Local Planning Authority after 1 year of full occupation to be audited by the Highway Authority.

REASON: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development, having regard to SPO2, SPO7, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1 and EN2 of the adopted Wealden Local Plan 1998.

(19) Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority.

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

(20) Prior to works below ground level an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
- Adjoining land
- Groundwaters and surface waters
- Ecological systems
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM). CL01

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 paragraph 189 of the National Planning Policy Framework 2023.

(21) Prior to works below ground level a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. CL02

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.

(22) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. CL03

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 otheroff-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013.

(23) 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 in accordance with the requirements of Condition 19 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 20, 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 in accordance with Condition 21. CL04

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.

(24) A noise report using Pro PG, Planning and Noise shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission showing;

(1) An initial noise risk assessment of the proposed development site

(2) A systematic consideration of four key elements.

Element 1 - demonstrating a "Good Acoustic Design Process"

Element 2 – observing internal "Noise Level Guidelines"

Element 3 – undertaking an "External Amenity Area Noise Assessment

Element 4 – consideration of "Other Relevant Issues".

The report shall demonstrate that:

(3) Night time internal noise levels within bedrooms will conform to the "good" design range, as identified in BS 8223 and shall include details and specification of passive acoustic ventilation proposed.

(4) External noise levels within gardens do not exceed 55 dB LAeq (16hrs) (0700-2300)

(5) Internal noise levels within habitable rooms (living rooms/conservatories) will conform to the "reasonable" design range, as identified in BS 8223: Sound Insulation and Noise Reduction for Buildings/Code of Practice.

All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved scheme prior to occupation of those dwellings identified as requiring noise mitigation.

REASON: To protect residential amenity, having regard to Saved Policy EN27 of the adopted Wealden Local Plan and Spatial Planning Objective SPO13 of the Core Strategy Local Plan 2013.

(25) Prior to commencement, the applicant shall undertake an Emissions Mitigation Assessment and an Air Quality Assessment in accordance with the guidance in the Air Quality & Emissions Mitigation Guidance for Sussex (2021). Mitigation must be agreed with the Local Planning Authority in the form of a mitigation statement that includes the elements required by the guidance document.

INFORMATIVE: The intention of the air quality guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The applicant is required to include an emissions mitigation assessment, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors (at http://laqm.defra.gov.uk/review-andassessment/tools/emissions.html). Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. A development such as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and/or separate electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces and garages, residents and visitors can be assisted to switch to low emission vehicles. Additionally, charge points are much cheaper and easier to install during the construction phase rather than as a retrofit.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998.

(26) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the landscape management shall be carried out in accordance with the approved plan for the lifetime of the development. LA09(M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO1, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

(27) Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it. NC08

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 of the Wealden Core Strategy Local Plan 2013.

(28) The development shall take place strictly in accordance with the recommendations set out within the Ecological Appraisal January 2022 (date stamped 9 March 2022) authored by Aspect Ecology. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: In the interests of protecting and enhancing ecological features in and surrounding the site having regard to Saved Policy EN15 of the adopted Wealden Local Plan 1998 and SPO1, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.

(29) 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 lighting scheme shall show predicted light levels at neighbouring residential properties.

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 GN01/21 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.

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN8, EN27 and EN29 of the adopted Wealden Local Plan, coupled with the requirements of the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

(30) 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 SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998 and the Wealden Design Guide at Chapter 3, Section 6.

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

Site Location Plan

Indicative Land Use Parameter Plan (ref: 0179/C103D)

Drawing 16997-H-03 Rev P3 (within Transport Technical Note dated January 2023)

REASON: For the avoidance of doubt.

(32) 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.

(33) Alongside the submission of any Reserved Matters application, a Compliance Statement shall be submitted to, and approved in writing by the Local Planning Authority, based upon the principles contained within the Design and Access Statement dated January 2022. The Compliance Statement shall take account of and accord with the Land Use Parameter Plan hereby approved.

REASON: In order to secure a satisfactory standard of development, having regard to SPO13 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998.

(34) Notwithstanding the details as submitted, prior to first occupation, details for the provision of cycle storage in accordance with East Sussex County Council's adopted standards shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.

REASON: To provide for alternative modes of transport, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of paragraphs 114 and 116 of the National Planning Policy Framework 2023.

APPENDIX
2



Mockbeggars Farm

PINS Ref: APP/C1435/W/23/3330872
WDC Ref: WD/2022/0648/MAO
Appeal Core Document List

No.	Description of Document
1	**National Policy and Guidance**
CD1.1	National Planning Policy Framework (December 2023)
CD1.2	National Design Guide (2021)
2	**Development Plan**
CD2.1	Wealden's Core Strategy Local Plan Policies SP03, SP06, SP07, SP013, SP015, WCS1, WCS2, WCS5, WCS6, WCS7, WCS8, WCS12, WCS13 and WCS14
CD2.2	Wealden Local Plan 1998 Policies GD2, EN1, EN2, EN8, EN12, EN14, EN15, EN18, EN27, EN29, DC17, HG5, HG6, HG7, CS1, CS2, CS4, TR3, TR13, TR16, LR1, LR3 and LR5
CD2.3	Wealden Affordable Housing Delivery Local Plan 2016 Policy AFH1
CD2.4	Wealden Design Guide Chapter 5 parts 4.4, 7.7, 8.6, 10.3 and Chapter 7 part 4.8
3	**Planning Application WD/2022/0648/MAO Drawings & Relevant Documents**
CD3.1	Submitted Application (WD/2022/0648/MAO) Drawings
CD3.2	Planning Statement
CD3.3	Design and Access Statement
CD3.4	Arboricultural Development Report
CD3.5	Arboricultural Survey
CD3.6	Ecological Impact Assessment Checklist
CD3.7	Ecological Appraisal
CD3.8	Energy & Sustainability Report
CD3.9	Flood Risk Assessment & Drainage Strategy
CD3.10	Heritage Statement
CD3.11	Landscape and Visual Impact Assessment
CD3.12	Transport Assessment
CD3.13	Statement of Community Involvement
CD3.14	Transport Technical Note (November 2022)
CD3.15	Transport Technical Note – Response to ESCC (January 2023)
CD3.16	Transport Technical Note – Response to Uckfield Town Council (January 2023)
CD3.17	Transport Technical Note (February 2023)

CD3.18	Schedule of Accommodation
CD3.19	Travel Plan
4	**Decision Notice**
CD4.1	Refusal Notice WD/2022/0648/MAO
5	**Wealden District Council Reports**
CD5.1	WD/2022/0648/MAO WDC's Planning Committee North Report 15th June 2023
6	**Housing Land Supply, Monitoring and Affordable Housing Needs**
CD6.1	Wealden District Council's Five-Year Housing Land Supply Statement (as of 1st April 2023)
CD6.2	Wealden Local Housing Needs Assessment (August 2021)
CD6.3	Authority Monitoring Report (December 2023)
CD6.4	Wealden Housing Delivery Test Measurement (December 2023)
7	**Highways**
CD7.1	ESCC Highways 1st Consultation Response dated 15.02.23
CD7.2	ESCC Highways 2nd Consultation Response dated 17.02.23
8	**Ecology**
CD8.1	WDC Biodiversity 1st Consultation Response dated 27.01.23
CD8.2	WDC Biodiversity 2nd Consultation Response dated 25.05.23
CD8.3	CIEEM, Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, 2018 (version 1.1)
CD8.4	BCT/ILP Guidance Note 08/23 – Bats and Artificial Lighting at Night
CD8.5	Gunnell, K., Grant, G. and Williams, C. (2012) Landscape and urban design for bats and biodiversity. Bat Conservation Trust
CD8.6	Natural England (March 2023) Natural England Joint Publication JP039. Biodiversity Metric 4.0: auditing and accounting for biodiversity – User Guide
CD8.7	Appeal Decision APP/Y3940/W/21/3278256 – Malmesbury
9	**Flooding and Drainage**
CD9.1	WDC Drainage Consultation Response dated 16.05.22
CD9.2	Local Lead Flood Authority Consultation Response dated 23.05.22
CD9.3	Southern Water 1st Consultation Response dated 27.05.22
CD9.4	Southern Water 2nd Consultation Response dated 01.11.22
CD9.5	Southern Water 3rd Consultation Response dated 07.11.22
10	**Landscape**
CD10.1	Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment in April 2013

CD10.2	Landscape Institute Technical Guidance Note 02/21 (LI TGN 02/21)
CD10.3	Landscape Institute Technical Guidance Note 06/19 (LI TGN 06/19)
CD10.4	National Character Area 122: High Weald (NCA 122)
CD10.5	The East Sussex Landscape Character Assessment 2016
CD10.6	Wealden District Council Landscape & Settlement Character Assessment October 2014 (Chris Blandford Associates)
CD10.7	Wealden District Council Landscape Character Assessment May 2022 (LUC)
CD10.8	Wealden Green Infrastructure Study May 2017 (Chris Blandford Associates)
11	**Other Relevant Documents**
CD11.1	Wealden pre-Application Advice Letter dated 16.07.21
CD11.2	WD/2022/0648/MAO Statutory and Non-Statutory Consultation Responses
CD11.3	Landscape Strategy Plan (7397/ASP3/LSP-C) Additional Information
CD11.4	Biodiversity Net Gain Assessment 2023 Additional Information
CD11.5	Shadow Habitats Regulations Assessment (HRA) Additional Information
CD11.6	Ecological Lighting Design Principles (6212 - TN01) Additional Information
CD11.7	Site Location Plan (S101 C) Additional Information
CD11.8	Mr Stacey Robins Confirmation of Withdrawal (01.12.2023)
CD11.9	Casework Management Note dated 20.12.23
12	**Other Relevant Decisions**
CD12.1	WD/2020/1088/MAO Decision Notice - Land West of Five Ash Down, Coopers Green (dated 01.04.21)
CD12.2	Appeal Decision APP/C1435/A/07/2046982/NWF - Downlands Farm, Uckfield (dated 25.02.09)
CD12.3	Appeal Decision APP/C1435/W/22/3301104 – Land at Old Nursery House, The Street, Framfield TN22 5PN (dated 05.01.23)
13	**Statements of Common Ground**
CD13.1	General Statement of Common Ground between Obsidian Strategic Asset Management Ltd and Wealden District Council
14	**Mockbeggars Residents Steering Group Documents**
CD14.1	Wealden Core Strategy Local Plan
CD14.2	Wealden Local Plan 1998 Policies
CD14.3	Wealden Design Guide Chapters 5 and 7
CD14.4	Wealden Senior Heritage Officer to Head of Planning
CD14.5	Biodiversity and Green Infrastructure
CD14.6	Aspect Ecological Appraisal

CD14.7	Barbastelle Bat IUCN Red List
CD14.8	Bechsteins Bat incl distribution
CD14.9	European Eel anguilla-anguilla
CD14.10	Land West of Five Ashdown
CD14.11	Sussex Wildlife WD-2022-1637
CD14.12	Vivienne Blandford Landscape Archaeologist
CD14.13	MRSG Flooding and Drainage
CD14.14	MRSG National Policies and Guidelines
CD14.15	Appeal Decision Bird in Eye
CD14.16	Appeal Decision Mill House
CD14.17	Appeal Decision Charlwood Manor
CD14.18	Appeal Decision Land Adjacent Burfield
CD14.19	Mockbeggar Appeal MRSG submitted
CD14.20	Representations
CD14.21	Statement of Case MRSG submitted 11th Dec 23
CD14.22	MRSG Statement of Case
15	**Appellants Statements of Case and Hearing Statements**
CD15.1	Appellants Statement of Case – October 2023
CD15.2	Appellants Hearing Statement and Appendices - Planning
CD15.3	Appellants Hearing Statement and Appendices - Landscape
CD15.4	Appellants Hearing Statement and Appendices - Ecology
CD15.5	Appellants Hearing Statement - Transport
CD15.6	Appellants Rebuttal - Transport
CD15.7	Appellants Rebuttal - Ecology
CD15.8	Appellants Rebuttal - Heritage
CD15.9	Appellants Rebuttal and Appendices - Flooding and Drainage
16	**Document Submissions During Hearing**