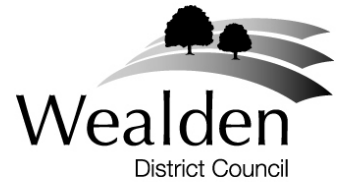


# Town and Country Planning Act 1990

Notice of Decision  
Application No. **WD/2016/1677/MAO**



ASP  
Old Bank Chambers  
London Road  
Crowborough  
East Sussex  
TN6 2TT

Council Offices  
Vicarage Lane  
Hailsham  
East Sussex  
BN27 2AX

## **DESCRIPTION AND LOCATION OF DEVELOPMENT**

### **34 NO. DWELLINGS INCLUDING PROVISION FOR ACCESS ONTO BLACKNESS ROAD. ROCKINGTON NURSERY, BLACKNESS ROAD, CROWBOROUGH, TN6 2NB**

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, the means of access thereto 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. Details of the access, 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 begins and the development shall be carried out as approved. STD2

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

3. (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 three 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 two years 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.

4. The development shall not be commenced until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Ashdown Forest Special Area of Conservation and Special Protection Area, together with an appropriate mechanism to secure delivery of the mitigation. ADF1

REASON: The development lies in a zone of influence of the Ashdown Forest where it is considered there would be a likely significant effect, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to provide sufficient mitigation for any recreational impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2010, the amended version of policy WCS12 of the Core Strategy Local Plan (following the upheld Judicial Review Case No: C1/2014/1148, heard 11 June 2015), together with the requirements of saved policies EN7 and EN15 of the Wealden Local Plan. With regard to regulation 35 of the Development Management Order 2015, it is essential in the interests of biodiversity that the condition adopts the pre commencement format to protect the European Sites.

NOTE: The residential development is of a scale and nature to warrant a contribution towards the provision of recreational mitigation, which the local planning authority considers can be satisfactorily achieved by means of a contribution towards the formation of new greenspace (SANG) and improved management within the designated European sites (SAMMS). It is confirmed that such an approach to mitigation is outlined by the Council's guidance document (upload dated 22 July 2015) which can be found on the Planning and Building Control website at [www.wealden.gov.uk](http://www.wealden.gov.uk). In this instance, such a contribution in accordance with the above policies and guidance would amount to £6,170 per dwelling. The Applicants should contact the Council's Planning Department to arrange payment of the contribution on 01892 602010.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework 2012 or any future guidance that replaces it. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 35% of housing units
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

AH01

REASON: In the interests of securing affordable housing, having regard to Policies SPO13, WCS8 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 159 and 174 and the definition in Annex 2 of the National Planning Policy Framework 2012.

6. No development shall take place until full details of the surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. The submitted details shall include the following:
- i. Provide full information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface water.

- ii. Be supported by a site investigation which incorporates ground water monitoring, preferably in winter, and soakage tests undertaken in accordance to BRE365 where it is proposed to construct the soakaways, undertaken in site specific test pits and that any soakaways achieve a 1.0 metre vertical separation between the groundwater levels and the base of the feature.
- iii. Supply detailed plans, layouts and sections of the proposed drainage system, hydraulic calculations, construction details of any non-standard features and a plan showing any necessary easements required to operate the system.
- iv. Provide a management and maintenance plan for the development which shall include the arrangements for the setting up of any necessary company/association to secure the operation of the scheme throughout its lifetime.

NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the "Guide to Sustainable Drainage Systems in East Sussex" and the total costs of implementing the drainage scheme, that is design, construction and maintenance costs.

REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraph 103 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved policy CS2 of the Wealden Local Plan.

7. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner. DF01

REASON: In order to secure a satisfactory standard of development, having regard to Saved Policy CS2 of the adopted Wealden Local Plan, coupled with the requirements of paragraph 109 of the National Planning Policy Framework 2012.

8. 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 SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.

9. 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 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8, 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 8. 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 SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.

10. The development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a scheme to secure the provision for off-site play facilities, together with an appropriate mechanism for delivery, in accordance with Policy WCS7 of the CSLP and Saved Policies LR1 and LR3 of the Wealden Local Plan 1998 and the Council's draft Supplementary Planning Guidance Outdoor Playing Space.

REASON: To meet the need for youth and adult play facilities generated by the development and having regard to the SPO13, SPO15 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policies LR1 and LR3 of the adopted Wealden Local Plan 1998.

11. The new access shall be in the position shown on the submitted plan [number 4927/00/01D] and laid out and constructed in accordance with details to be submitted within a s278 agreement with the highway authority and the access shall be constructed to binder course prior to commencement and completed to the satisfaction of the highway authority prior to occupation of the development hereby permitted.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

12. No development shall take place until details of the layout of the new access to include details of street lighting, land dedicated as highway and surface water drainage have been submitted to and approved in writing by the Planning Authority and the development hereby permitted shall be occupied until the construction of the access has been completed in accordance details approved.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

13. The access shall not be used until the areas shown hatched green on the attached plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

14. Prior to demolition works commencing on site a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles, compound areas for plant, machinery, materials, turning area contractor parking and hours of operation.

REASON: In the interests of highway safety and for the benefit and convenience of the public at large having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

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: In the interests of highway safety large having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

16. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the [approved plans or details which have been submitted to and approved in writing by the Planning Authority] and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

17. The development shall not be occupied until parking area[s] [has/have] been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

18. The development shall not be occupied until cycle parking area[s] [has/have] been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

REASON: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regard to Policy EN1 of the Wealden Local Plan and paragraphs 14, 29, 30 and 32 of the National Planning Policy Framework.

19. The garage/parking areas shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling units to which they serve, and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority.  
PC04

REASON: To protect the visual and residential amenities of the site and ensure the retention of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 29, 30 and 34 of the National Planning Policy Framework 2012.

20. Prior to the commencement of any works in association with the development hereby approved, details for improvement works along Blackness Road shall be submitted to and approved in writing to the Local Planning Authority. The approved highway

improvements shall be provided to the satisfaction of the Local Planning Authority prior to the occupation of any dwelling on site.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

NOTE: The works associated with these improvements will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council. (Note the proposed works are set out on plans 4927/00/01 D Date stamped 03 October 2016 and 4927/00/02 Date stamped 22 July 2016)

21. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Paragraph 141 of the National Planning Policy Framework.

22. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [21] and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

REASON: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Paragraph 141 of the National Planning Policy Framework.

23. Before commencement of any above ground works in association with the development hereby approved, a schedule of external materials, indicating types, colours and finishes of bricks and tiles to be used in respect of the dwellings, shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained. MA01

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 56, 57, 59, 60 and 64 of the National Planning Policy Framework 2012.

24. Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use. RR02

REASON: To preserve the residential and visual amenities of the locality, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012.

25. 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. SS05

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with paragraphs 6 and 17 of the National Planning Policy Framework 2012 and the Wealden Design Guide, Chapter 4.

26. The development shall take place strictly in accordance with the recommendations set out within the Reptile Survey Land at Rockington Nursery Crowborough September 2016 (date Stamped 06 September 2016), PEA and Internal and External Bat Surveys Rockington Nursery Crowborough October 2015 (date Stamped 22 July 2016) and the details set out in the email from the Ecological Partnership of the 19 July 2016 detailing adequate avoidance and mitigation Dormice (date Stamped 21 July 2016)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, SPO1, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013 and paras 109 and 118 of the National Planning Policy Framework 2012.

27. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-C inclusive of that Order, shall be erected or undertaken on the site. PD01

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 56 of the National Planning Policy Framework 2012.

28. 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, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and EN29 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 125 of the National Planning Policy Framework 2012.

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

| Ref.               | Date Stamped.  | STN4 |
|--------------------|----------------|------|
| 4927/00/02         | 22 July 2016   |      |
| 4927/00/01 D       | 3 October 2016 |      |
| 2016/014/PL1 Rev B | 22 July 2016   |      |

REASON: For the avoidance of doubt.

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

NOTE 1: The applicant is advised that this development is liable for a Community Infrastructure Levy (CIL) charge. There is further information on this matter on the WDC website:

[http://www.wealden.gov.uk/Wealden/Residents/Planning\\_and\\_Building\\_Control/Planning\\_Policy/CommunityInfrastructureLevy](http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CommunityInfrastructureLevy)

The SANGS and/or SAMMS payment sought by condition 4 on this decision notice could be secured within this CIL charge. However, in the event that a subsequent application for exemption or relief from the CIL payment was successful then the SANGS and/or SAMMS payment would be payable through the condition discharge process.

NOTE 2: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

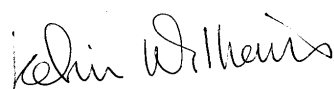
NOTE 3: The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards

This is recommended to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR3 of the Wealden Local Plan and paragraphs 29, 30 and 32 of the National Planning Policy Framework.

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.  
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the '[Approval of Details Reserved by Condition' Form](#)' which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

**IMPORTANT: See Notes overleaf**  
**DATE OF ISSUE: 21 October 2016**



**Kelvin Williams**  
**Head of Planning & Environmental Services**

Application No. WD/2016/1677/MAO



## NOTES

### Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:  
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN  
Tel. No. 0303 444 5000  
[www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

### Appeal Timescales

- Householder planning application or minor commercial application:

**12 weeks** from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

**6 months** from the date on the decision notice, or

**6 months** from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

### Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

### Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.