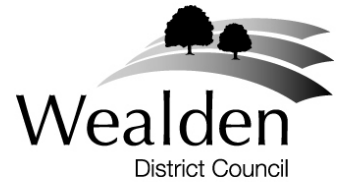


Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2018/0122/MAJ**



ECE Planning Limited
Brooklyn Chambers
11 Goring Road
Worthing
West Sussex
BN12 4AP

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

**RESIDENTIAL DEVELOPMENT COMPRISING 35 APARTMENTS, COMMUNAL AMENITY SPACE, HARD AND SOFT LANDSCAPING, AND ON-SITE PARKING AND TURNING.
LAND AT BURFIELD VALLEY, HAILSHAM**

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

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

2. No work below ground level shall be carried out on site for the development hereby approved, until full written details for a Code of Construction Practice has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice shall detail good practice measures for site working to mitigate potential impacts from construction including protection of retained features and surface water bodies on or adjacent to the site, control of run-off, application of design controls for construction equipment and construction vehicles, vehicle routing, wheel washing facilities, sheeting of lorries during transportation of construction materials, provision of water sprays during delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous and batch drop activities and waste disposal. The approved Code of Construction Practice shall be implemented throughout the period of work on site. C04(M)

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

3. No works below ground level shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any

archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority. AR01

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

4. 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 3 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

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

5. 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 online 'Land Contamination Risk Management' guidance, or, where superseded, the most up-to-date guidance. 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 SPO2, SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013.

6. Prior to works below ground level taking place, 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 of the Wealden Core Strategy Local Plan 2013.

7. The approved remediation scheme must be carried out in accordance with its terms prior to undertaking any works below ground level, 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 other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013.

8. 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 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, 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 7. 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 of the Wealden Core Strategy Local Plan 2013.

9. The mitigation measures and enhancement proposals for wildlife and protected species shall be implemented in accordance with the recommendations set out in the Ecology Partnership Dormouse Survey Report date stamped 18 February 2019, Reptile Presence/Likely Absence Survey Report date stamped 25 June 2018, Bat Survey Report date stamped 25 June 2018 and the Preliminary Ecological Appraisal date stamped 25 June 2018. NC08

REASON: To provide the necessary mitigation for those species 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.

10. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner. LA01

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the development hereby permitted and the landscape management shall be carried out in accordance with the approved plan over the period specified. LA09(M)

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

12. Before construction above ground level, samples of materials, which shall avoid the use of grey brickwork, to be used on the external surfaces of the development shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development.

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

13. Before preparation of any groundworks or foundations for the development hereby approved, a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority. During construction all works shall be carried out in accordance with the approved scheme.

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: 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.

14. During the construction phase, no works arising from the use of machinery, vehicles, including delivery vehicles, or power tools shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays or Bank Holidays.

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.

15. No work below ground level shall be carried out on site for the development hereby approved, until details of the proposals for parking all vehicles associated with the construction works, including employees' private cars within the contractors compound, clear of the highway shall be submitted to and approved in writing by the Local Planning Authority. Parking shall be provided in accordance with the approved details during the construction of the development. C05(M)

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

16. Before preparation of ground levels for the development hereby approved commences, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02(M)

REASON: To protect water quality and 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.

17. No works below ground shall take place until details of the surface water drainage scheme, which shall follow the principles of sustainable drainage, and provide a sufficient level of treatment to all surface water from the site to ensure no detrimental impact on the Pevensey Levels. has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the development. Photographic evidence shall be provided to demonstrate that the scheme has been implemented in accordance with the approved details.

The surface water drainage scheme shall also include details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving and land drains). The submitted details shall specify the responsibilities of each party for the implementation of the SUDS scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the lifetime of the development. DS02

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.

18. Before preparation of ground levels for the development hereby approved, details setting out the methodology and timetable for the on-going surveying and monitoring of the condition of Reef Way, Weaver Road and the immediate highway network to demonstrate the condition of the roads prior to the commencement of works, during construction works and following completion of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Should the Local Planning Authority consider, in consultation with the Local Highway Authority, that remedial measures are necessary as a result of considering the final monitoring report, they shall give written notice to the developers. Within one month of receiving such written notice from the Local Planning Authority, the developers shall submit a scheme of construction works for the necessary improvements to meet the Local Highways Authority's reasonable requirements and a programme for the implementation of the improvements shall be submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and programme of works to the satisfaction of the Local Highway Authority.

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

19. The car parking spaces and turning area shown the approved plans shall be provided before first occupation of the development, and thereafter shall be retained for such purposes to the satisfaction of the Local Planning Authority. PC09

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998.

20. No trees and/or hedgerows on the site, unless approved by this permission, dead or dangerous, shall be felled, topped, lopped or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the 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, Chapter 3, Section 6.

21. 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 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN29 of the adopted Wealden Local Plan 1998.

22. 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
Location Plan Dwg 672-PL-004 Rev A	2 March 2021	
Block Plan Dwg 672-PL-003 Rev A	12 March 2021	
Site Plan Dwg 672-PL-001 Rev B	12 March 2021	
Elevations Dwg 672-PL-200	27 August 2020	
Lower Ground Floor Plan Dwg 672-PL-101 Rev A	27 August 2020	
Upper Ground Floor Plan Dwg 672-PL-102 Rev A	27 August 2020	
First Floor Plan Dwg 672-PL-103 Rev A	27 August 2020	
Second Floor Plan Dwg 672-PL-104 Rev A	27 August 2020	
Roof Plan Dwg 106 Rev P3	2 April 2020	
Proposed Site Sections Dwg 109 Rev P2	2 April 2020	
Proposed Site Sections Dwg 110 Rev P2	2 April 2020	
Detailed Key Elevations and Sections Dwg 111 Rev P2	2 April 2020	
Proposed Cycle Store - Plans and Elevations Dwg 120	2 April 2020	
Arboricultural Survey	25 June 2018	
Arboricultural Method Statement	25 June 2018	
Arboricultural Impact Assessment	25 June 2018	
Transport Statement	25 June 2018	
Preliminary Ecological Appraisal	25 June 2018	
Reptile Presence/Likely Absence Surveys	25 June 2018	
Bat Survey Report	25 June 2018	
Dormouse Survey Report	18 February 2019	
Design and Access Statement Addendum	2 April 2020	

REASON: For the avoidance of doubt.

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

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

NOTE 1: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

NOTE 2: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

NOTE 3: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads. STN13

NOTE 4: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house / street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 5: Detailed design of the proposed basement should take in to account the possibility of the surcharging of the public sewers in order to protect the development from potential flooding.

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: 31 March 2023



Stacey Robins
Head of Planning & Environmental Services

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.gov.uk/appeal-planning-inspectorate

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.