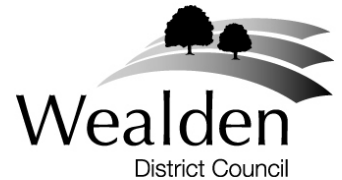


Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2020/0249/F**



WYG Planning
3 Sovereign Square
Sovereign Street
Leeds
LS1 4ER

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

ERECTION OF TERRACE OF FIVE TWO STOREY DWELLINGS WITH PARKING AND AMENITY SPACE.

FORMER GOLDEN CROSS INN CAR PARK, DEANLAND ROAD, GOLDEN CROSS, CHIDDINGLY, BN27 4AW

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 development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters: the anticipated number, frequency and types of vehicles used during construction, the method of access and egress and routing 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.

REASON: To prevent obstruction of the road during construction works with regard to Saved Policies TR3 and EN27 of the Wealden Local Plan 1998. With regard to regulation 35 of the Development Management Order 2015, it is essential in the interests of the convenience and safety of other road users that this matter is dealt with by the pre commencement format as it also relates to demolition works. With regard to Regulation 35 of the Development Management Order 2015, it is essential in the interests of highway safety that the condition adopts the pre-commencement format.

3. 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 SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998. With regard to regulation 35 of the Development Management Order 2015, it is essential in the interests of demonstrating that acceptable drainage can be provided to support the development that this matter is dealt with by the pre commencement format.

4. No development approved by this permission shall be commenced until full details of the proposed means of surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the substantial completion or occupation of the dwellings on site whichever is the sooner. DS01

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998. With regard to regulation 35 of the Development Management Order 2015, it is essential in the interests of demonstrating that acceptable surface water drainage can be provided to support the development that this matter is dealt with by the pre commencement format.

5. The development shall be implemented in accordance with the approved Arboricultural report. TP05(M)

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 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

6. Before any above ground works associated with the development hereby approved (other than demolition), 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.

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 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2019.

7. The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation. MA11

REASON: To safeguard the appearance of the building and the visual amenities of the locality and to comply with SPO2, 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 127 of the National Planning Policy Framework 2019.

8. 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 - E 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 in the interests of residential amenity 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.

9. Before any above ground works a noise report to address traffic noise impacts to the dwellings and identify necessary mitigation measures (such as improved double glazing) shall be submitted and approved in writing by the district planning authority. The development shall be carried out in strict accordance with the approved details which shall be fully complete prior to occupation of any dwelling and thereafter retained.

REASON: To enable the Local Planning Authority to regulate and control the development of land in the interests of residential amenity having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998.

10. Before first occupation of the dwellings hereby approved, the car parking spaces and turning area shown on drawing no 2018/002/PL5 shall be provided, 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 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 104 and 110 of the National Planning Policy Framework 2019.

11. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing (Ref: 2018/002/PL1 Rev. F).

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 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Deanland Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

REASON: In order to provide visibility for vehicles entering and leaving the site In the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998,

coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

13. 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
2018/002/PL1 Rev F	4 February 2020
2018/002/PL2 Rev A	4 February 2020
1:2500 Site Plan	4 February 2020
2018/002/PL5	4 February 2020
Arboricultural Report	4 February 2020
Planning Statement	4 February 2020
Transport Report	4 February 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.

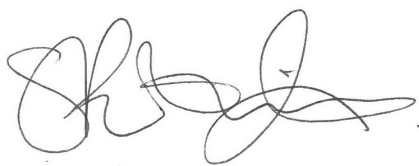
INFORMATIVE: The applicant is advised that the existing public highway to be incorporated into the development must be formally stopped up to remove the highway rights over it. This process must be successfully completed prior to any highway land being enclosed within the development. In order to commence the stopping up order process the applicant will need to contact the Highway Land Information Team (01273 482316).

Furthermore, there is a potential legal concern regarding the original deed of covenant for the land on which the development is proposed. Whilst this would not affect the planning consent, any outstanding legal concerns could impact on the deliverability of the site. As such, the applicant is advised that this concern should be formally resolved prior to the commencement of works on site.

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: 4 August 2020

A handwritten signature in black ink, appearing to read 'Stacey Robins', with a stylized, cursive script.

Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2020/0249/F

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.