
Appeal Decision

Inquiry held on 11 and 12 August 2015

Site visit made on 11 August 2015

by G D Jones BSc(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 September 2015

Appeal Ref: APP/C1435/W/15/3006270

Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Masma Limited against the decision of Wealden District Council.
 - The application Ref WD/2014/1226/MAO, dated 10 June 2014, was refused by notice dated 8 September 2014.
 - The development proposed is described as 'residential development including enhanced junction and access arrangements at Ersham Road/ Goldthorn Lane'.
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Decision

1. The appeal is allowed and planning permission is granted for residential development, including enhanced junction and access arrangements at Oaklands, Ersham Road, Hailsham, East Sussex BN27 3PL in accordance with the terms of the application, Ref WD/2014/1226/MAO, dated 10 June 2014, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. In light of the Unilateral Undertaking (the UU)¹ made under Section 106 of the Town and Country Planning Act 1990 (the Act), which was finalised during the course of the Inquiry, and subject to the imposition of certain planning conditions, the Council withdraw its second reason for refusal regarding the development's effect on local infrastructure. I have considered and determined the appeal on that basis.
3. In my formal decision I have altered the description of development as it appears on the planning application form to omit the location of the access works on the basis that their location is evident from the application details and from wider evidence, as well as to avoid confusion with the site address.
4. The proposal is for outline planning permission with all matters reserved for future approval except for access. In addition to the proposed access arrangements, the material submitted with the application includes an indicative layout and other details which make reference to layout, appearance, landscaping and scale. Whilst not formally part of the scheme, I have nevertheless treated these details as a useful guide as to how the site could be developed.

¹ Document 5

5. Before the start of the Inquiry but after the submission of the main evidence, the Ashdown Forest Judgment was handed down by the Court of Appeal². At the Inquiry the main parties indicated they do not consider that that Judgment has any bearing on the determination of this appeal. Given the appeal site's location and that the development plan policy effected by the Judgment is not cited in the refusal reasons, I have found no reason to disagree.
6. During the course of the Inquiry the Council indicated that it intended to lodge a legal challenge to an appeal decision elsewhere in the District (the Steel Cross appeal)³. After the Inquiry closed, a challenge was indeed lodged on 24 August 2014⁴. Shortly afterwards the Council submitted a copy of that challenge along with a copy of another legal challenge made by West Berkshire District Council (the WBDC challenge)⁵ to one of the appeal decisions submitted as part of the appellant's evidence⁶. I consider each of these legal challenges later in my decision.

Main Issues

7. The main issues are:
 - The effect of the proposed development on the character and appearance of the area with reference to the adopted development boundary; and
 - Whether, in the current circumstances, any harm and any conflict with the development plan arising is outweighed by any other considerations including housing need.

Reasons

Site, Surroundings and Proposals

8. The appeal site comprises some 6.1 hectares of largely undeveloped land, which is divided into two parts by Coldthorn Lane, a narrow road that runs roughly southward from its junction with Ersham Road to the north of the site. The land is used for a mixture of horse grazing and pasture. For ease of reference I shall refer to these two parts of the site as Oaklands East and West. Oaklands East is a relatively flat, largely open and roughly triangular piece of land. Oaklands West is a largely open rectangular parcel of paddocks; it is larger than Oaklands East and the ground level rises steadily to a high point near the central southern boundary.
9. The northern boundary of Oaklands West abuts a wooded corridor of land, beyond which stand residential properties at the southern edge of the adopted development boundary of Hailsham. Its western and southern boundaries adjoin woodland and fields, which include an area of Ancient Woodland at the western end of this southern boundary. To the south of Oaklands East and to the north beyond Ersham Road, the B2104, there are reasonably loose-knit groups of residential properties and beyond the B2104 to the west there are open fields.
10. The indicative details submitted with the planning application show how the site might be developed for 170 dwellings, 117 at Oaklands West and 53 at Oaklands East, with both portions of the site accessed from new roads leading off Coldthorn Lane. The proposed access arrangements would also involve the

² Ashdown Forest Economic Development Llp v Wealden District Council and South Downs National Park Authority [2015] EWCA Civ 681

³ APP/C1435/A/14/2223431, decision date 16 July 2015

⁴ Claim No CO/4024/2015, issue date 24 August 2015

⁵ Claim No CO/3830/2015, issue date 13 August 2015

⁶ APP/W0340/A/14/2228089, decision date 6 June 2015

realignment of this northern stretch of Coldthorn Lane and a revised junction with Ersham Road.

11. The evidence states that Hailsham is the largest settlement in the District and is recognised as a sustainable location for new residential development. The main employment facilities within the town and the town centre's facilities are within 1 km and 1.5 km of the site respectively. Hailsham Community College and a number of primary schools are located within 1.7 km of the site, while a library, Citizen's Advice Bureau, doctors' surgery, recreation ground and community halls are all within 1.3 km. The site is also located on a number of bus routes that connect it to the town centre, Eastbourne and Polegate via a half hourly service. These bus services also provide links to the wider public transport network, including train services from Eastbourne and Polegate. There is also a network of rights of way in the vicinity of the site. These include a footpath that crosses Oaklands East and a 23 km long pedestrian and cycle route to the east known as the Cuckoo Trail.

Planning Background

12. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development, which it indicates has three dimensions – economic, social and environmental. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.
13. In respect to housing delivery, the Framework requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the wider policies set out in the Framework. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
14. Although it is a weighty material consideration, the Framework does not change the statutory status of the development plan or the requirement under section 38(6) of the Act that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this area includes the Wealden Local Plan (the Local Plan) and the Wealden District Core Strategy Local Plan (the Core Strategy). These Plans were adopted in 1998 and February 2013 respectively. The period for which the Local Plan sought to meet the District's development needs ended in 2004, whereas the plan period for the Core Strategy runs to 2027.
15. Another appeal against the refusal of outline planning permission for the development of the current appeal site, made by the same appellant, was dismissed by the Secretary of State (the SoS) in June 2013 following an Inquiry held during February and March 2013⁷. The development then proposed was similar to the current appeal scheme, albeit that it was for around 195 dwellings, with a doctor's surgery and somewhat different proposed access arrangements. For ease of reference I shall refer to that appeal as the 'previous appeal' and to the Inspector for that appeal as the 'previous Inspector'.

⁷ APP/C1435/A/12/2186147

16. In summary, when determining the previous appeal the SoS agreed with the previous Inspector that the proposed scheme would not have a significant effect on the Pevensey Levels European Site, either alone or in combination with other plans and projects. He also agreed that the development would result in significant harm to the character and appearance of the area and would be contrary to up to date development plan policy, in particular the spatial distribution set out in the Core Strategy. Whilst he recognised the many advantages that it would have to offer, he agreed that the benefits would not demonstrably outweigh the harm and would be insufficient to justify the granting of planning permission.
17. Amongst other things, the SoS noted that the Core Strategy Inspector (the Examining Inspector) recognised that there were environmental constraints to the level of housing provision for the District and that as a result, 'for the time being', this could justify a lower housing target of at least 9,400 dwellings. This figure is reflected in Core Strategy Policies WCS1 and WSC2. The SoS also recognised that modifications were necessary to make the Core Strategy sound, one of which required a review of the spatial strategy in 2015 or when a preferred solution to the capacity at the Hailsham North and Hailsham South waste water treatment works was identified, whichever was the sooner. The requirement for this review is embodied in Policy WCS1. At that time the SoS found no justification for departing from the housing requirement set out in the then 'newly adopted' Core Strategy. The SoS acknowledged that while the housing requirement may change in 2015, he considered that the strategy does meet longer term needs up to 2027, albeit subject to the infrastructure constraints at that time.
18. The Core Strategy was followed by the emergence of two Development Plan Documents. The Strategic Sites Local Plan (SSLP) was to set out in detail how the Strategic Development Areas (SDAs) identified in the Core Strategy should be developed, while the Delivery and Site Allocations Local Plan (DSALP) was to deal with the allocation of smaller housing sites to villages and large scale retail allocations as well as to provide development management policies. The intention was that the DSALP would supersede the remaining Local Plan policies.
19. The SSLP has recently been withdrawn. The Council now intends take the work undertaken for the SSLP, the DSALP and the Core Strategy review required to be undertaken by Policy WCS1 forwards as a single plan to be known as the Wealden Local Plan (WLP). The current Local Development Scheme has the WLP scheduled to be examined during the course of 2018, albeit that it is the Council's evidence that it is working to shorten this timescale.
20. It is common ground between the main parties that the Council can demonstrate a five-year supply of deliverable housing sites when measured against the housing requirement of the Core Strategy. During the preparation of the Core Strategy the Council did not identify the full objectively assessed housing needs for its area (FOAN). Although it still has not done so, during the Inquiry the Council accepted that it cannot demonstrate a five year housing land supply measured against the FOAN. With reference to the evidence of the appellant's housing witness, Mr Bateman, the Council confirmed that it would be reasonable for me to conclude that it could demonstrate between 1.53 and 3.88 years' supply of housing land measured against a range of potential FOAN figures.

Character and Appearance

21. The site stands close to, but beyond the designated development boundary of Hailsham. There is no dispute that the appeal development conflicts with Local Plan Policies GD2 and DC17, which seek to guide development, including housing, to within designated development boundaries. Although the plan period

lapsed some time ago, the purpose of Policies GD2 and DC17 extends beyond containing built development within settlements; they also act to protect the open countryside in order to safeguard its character and appearance. While the Framework does not seek to protect the countryside for its own sake, these Local Plan Policies do encompass the intrinsic character and beauty of the countryside in the terms of the Framework.

22. When determining the previous appeal the SoS understood that the Council's approach to planning urban extensions beyond existing development boundaries does not mean that development boundaries no longer serve a useful purpose. He also agreed with the previous Inspector's assessment that the area has a semi-rural character and that the size of the development proposed then would result in a significant change of character from semi-rural to urban; whilst it would not impact on the character of the town itself in a negative way, it would, despite mitigation measures, cause significant harm to the character and appearance of the semi-rural area beyond the edge of the settlement.
23. The area is likely to have been subject to change since the previous Inspector visited the site in 2013; some of which is discussed in the evidence, including works to a hedge at the appeal site. Nonetheless, following my visit to the area I am of the view that it has retained the semi-rural character described in the previous Inspector's report to the SoS.
24. I note that the development now proposed includes measures that are intended to address the harmful effect that the previous appeal scheme would have had on the character and appearance of the area. In my view, while all of the revisions would have a positive effect in this regard, they would not fully address the underlying concerns of the SoS and the previous Inspector.
25. For instance, by reducing the number of dwellings and omitting the proposed doctor's surgery, the quantum of the development within the site would be materially less than was previously proposed. Consequently, the built form could be moved further away from the site boundary, as shown on the indicative layout drawings submitted with the planning application.
26. However, the quantum of development proposed would remain substantial. It would still be spread over a reasonably wide area that is currently largely undeveloped. I accept that it would still be mitigated to some degree by the containment provided by trees and hedgerows as well as by the proposed additional planting and open space. In this regard I note the hedgerow management work and additional visual material, including a cross section, which have been undertaken since the previous appeal was considered. However, given that the land, particularly at Oaklands West, has significant topographic changes, in my view the previous Inspector's concern that it is likely that the extent of built form would be noticeable in its surroundings still stands. Moreover, while the revised highway works in the vicinity of the site would be less substantial than previously proposed, they would still have a detrimental urbanising effect on the character and appearance of the area.
27. For these reasons, therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would conflict with Local Plan Policies GD2 and DC17, and with the Framework.
28. The first refusal reason also refers to Core Strategy Policy WSC2, which sets out the broad distribution of land to be allocated for housing development to meet the requirements of Policy WCS1. The Council's strategy seeks to concentrate growth at the urban areas, but especially at Hailsham and Uckfield.

29. Policy WSC2 identifies 1300 new allocations (dwellings) for Hailsham and Hellingly. Although it also states that individual sites to meet housing provisions will be allocated in the Site Allocations DPDs, given that Policy WCS4 identifies two SDAs, SD2 – Land at East Hailsham and SD3 – Land at North Hailsham, which together would provide around 1300 dwellings, it seems reasonable to conclude that Policy WCS2 does not necessarily envisage a need for other sites to be identified through the DPD process.
30. In respect to the previous appeal, the SoS and the previous Inspector both concluded that that appeal proposal would be contrary to the spatial distribution set out in Policy WCS2. While I agree, I am also mindful that Policy WCS2 alone does not preclude other housing development additional to that identified within it, nor does it refer to the adopted development boundaries. In view of its location as described in the *Site, Surroundings and Proposals* sub-section above, the site can also reasonably be said to be located at Hailsham, albeit beyond the settlement boundary.

The Planning Balance

31. The appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. It is also common ground between the main parties that the starting point in the determination of the current appeal is the SoS's decision to dismiss the previous appeal. Accordingly it is for me to consider whether there have been any material changes in relevant planning considerations to justify a different conclusion to that made by the SoS.
32. As set out in *Character and Appearance* section, the proposals have changed somewhat relative to the previous appeal. Although it has been subject to some change, the area has retained this semi-rural character. Notwithstanding any such changes, as set out above, the current proposed development would have a harmful effect on the character and appearance of the area, such that it would conflict with Local Plan Policies GD2 and DC17, as well as with the Framework, in this regard, and it would also be contrary to the spatial distribution set out in Core Strategy Policy WCS2.
33. The Core Strategy was found to be sound with a housing requirement well below that of the FOAN for the area based on the prevailing constraints, including the capacity of waste water treatment works, an Area of Outstanding Natural Beauty (AONB) and Ashdown Forest. Notwithstanding that there is more than five years' housing land supply when measured against the Core Strategy, even taking a conservative view of the evidence before me there is a significant need for both market and affordable housing in the area. There are very good reasons for the housing requirement to be constrained.
34. In the case of this appeal the constraints associated with the AONB and Ashdown Forest do not apply. Subject to appropriate controls, it is common ground that the appeal development would also have no adverse impact on the Pevensey Levels Ramsar site; this is consistent with the SoS's finding in respect to the previous appeal. I have found no good reasons to disagree. While at the strategic level waste water treatment capacity in the area of the appeal site has still to be resolved, it is also common ground that there are alternative means of resolving the appeal development's foul water drainage, such as on-site Package Sewage Treatment Works. Again I have found no good reasons to disagree. On this basis, waste water treatment works capacity also need not be a constraint to the proposed development.

35. While the absence of such constraints assists the appellant's case, these circumstances alone are not significantly changed from when the SoS made his decision in respect to the previous appeal. While several potential benefits of the proposed development have also been put to me, these too are not substantially changed from the previous appeal. However, the planning policy context in which that decision was made has now changed and significantly so.
36. To put this into context the Core Strategy was adopted in February 2013 and the previous Inspector's report and SoS's decision were published two and four months later, in April and June 2013 respectively. The Core Strategy Examining Inspector essentially found in favour of the Council in accepting a reduced housing requirement while anticipating a review in 2015, as embodied in Policy WSC1. In that context the SoS found that there was no justification for departing from the housing requirement set out in the 'newly adopted' Core Strategy at that time even though it may change in 2015. In order to establish the housing requirement in line with the Framework it would be necessary to identify the FOAN for the area. For these reasons, the SoS's decision is likely to have been made on the understanding that a review, including *an assessment of current and future levels of need and demand for housing to provide an appropriate basis for longer term housing provision*, would have taken place, or at least be well advanced, by now.
37. The Council has not yet identified the FOAN. Although Southern Water has undertaken some work in regard to waste water treatment, this work is on-going and from the evidence before me there is no clear picture as to how or when this matter will be concluded. The SSLP has also been withdrawn. Although the Council is attempting to deliver it earlier than the programmed date in 2018, the WLP is unlikely to be adopted in the near future.
38. For these reasons, bearing in mind that we are now well into the second half of the year, it is very unlikely that the required review will have occurred by the end of 2015 or that this amount of progress is consistent with what would have been anticipated in 2013 by the Examining Inspector, the previous Inspector or the SoS. When taken in the context of the benefits outlined below, these changed circumstances are sufficient to override the identified conflict with the development plan in the terms of section 38(6) of the Act and to also outweigh the associated harm.
39. The proposed development would offer a number of potential benefits. In terms of the social dimension of sustainable development, the scheme would increase the supply and choice of housing, include some 60 affordable homes, in an area where the evidence indicates there is a significant need for both market and affordable housing. The site has no major constraints and is available and viable. Given the site's location on the southern fringes of Hailsham, as outlined in the *Site, Surroundings and Proposals* section, the appeal development would be in a reasonably sustainable location such that residents would have access to a good range of facilities, services and transport options. Both parties see the proposed upgrading of the Ersham Road, South Way, Diplocks Way junction as representing a benefit in view of current capacity and operational deficiencies. I see no reason to disagree.
40. In terms of the wider economic role, the development would also contribute towards economic growth during the construction phase. The additional population would assist the local economy and help support the sustainability of facilities in the area.
41. Regarding the environmental dimension the development offers potential for the incorporation of energy efficiency measures as well as additional planting and

habitat enhancement. Due to its location and accessibility by alternative modes of transport the development would also be likely to reduce reliance on use of the private car. Such benefits would, however, be at the expense of the identified harm to the character and appearance of the area.

42. I note the appellant's submissions regarding potential benefits resulting from other matters that would be secured via the UU and conditions. While I recognise that at least some of these may be of some benefit to the wider community, as they are primarily intended to respond to needs arising from the proposed development any such benefit would be limited, and as such attracts little weight.
43. Therefore, although the development would harm to the character and appearance of the area in conflict with Local Plan Policies GD2 and DC17 and would be contrary to the spatial distribution set out in Core Strategy Policy WCS2, in the current circumstances these important considerations are outweighed by the matters outlined above, particularly the delivery of housing, such that overall the appeal proposals would represent sustainable development in the terms of the Framework. I do not come to this conclusion lightly. I recognise the importance of plan-led planning. However, given the extent of progress in respect of the development plan review as required by the development plan itself in the context of such substantial housing need, I consider that the identified development plan policy conflict would be justified in the circumstances of this case.

Other Matters

44. In the event that planning permission were to be granted and implemented, the UU dated 12 August 2015 would secure:
- The provision of on-site affordable housing at a rate of 35%, with a mix of 80% Social Rented or Affordable Rented Units and 20% Intermediate Housing Units;
 - Highways works, including new junction arrangements at Coldthorn Lane/Ersham Road, improved pedestrian linkages at the site access and new footways on Coldthorn Lane and Ersham Road to the north of the site, relocated and upgraded bus stop facilities on Ersham Road, improved cycle/pedestrian link to the Cuckoo Trail to the immediate east of the site, and a Traffic Regulation Order to reduce the speed limit along parts of Ersham Road to 30mph;
 - The implementation of a Travel Plan;
 - Financial contributions towards bus services, rights of way improvements, and early years, primary and sixth form education places;
 - The provision, management and maintenance of the outdoor play space;
 - The management and maintenance of the area ancient woodland to the south of the site, the package treatment works and the sustainable urban drainage scheme; and
 - The implementation of the recommendations of Aspect Ecology Assessment that accompanied the appeal planning application.
45. The Council has submitted a detailed statement (the UU Statement), which addresses the application of statutory requirements to the planning obligations within the UU. I have considered the UU in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations.
46. Having done so, I am satisfied that the obligations of the UU would be required by and accord with the Policies set out therein. The UU Statement also advises that none of the financial contributions that would be secured by the UU would result in the pooling of more than five obligations for that project or type of infrastructure

projects in line with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). From the information before me I have no reason to disagree. Overall, I am satisfied that all of these obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

47. In addition to the foregoing matters, concern has been expressed locally, including by those who spoke at the Inquiry, regarding a number of matters. These include the development's effect on highway safety and congestion; on existing services, utilities and the adequacy of infrastructure/facilities, including water supply, shops, waste water and schools; on the living conditions of neighbouring occupiers, including in regard to privacy; on wildlife and biodiversity; on flooding and drainage; and on trees and landscaping.
48. Other issues raised include the loss of agricultural/equine land; the adequacy of affordable housing provision; potential noise and disturbance; whether there is a need for the housing and that other sites are available, including previously developed land, that should be developed first; that the site was rejected through the Strategic Housing Land Availability Assessment process and is not identified in the development plan nor in any emerging planning policy document and the development would be prejudicial to the plan-making process; development of the site was previously dismissed at appeal; its development would erode the gap between Polegate and Hailsham; the adequacy of public footways/footpaths; the density of the proposed development and inadequate provision of on-site services/facilities; residents of the development would be dependent on use of the private motor car; potential pollution from the Brickfields; and that the development would change the character of Hailsham as a small market town.
49. These matters are largely considered within the Council's case officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. The Council did not conclude that they would amount to reasons to justify withholding planning permission. Subject to the provisions of the UU and the imposition of planning conditions, I see no good reasons to disagree.
50. In the circumstances of this case, as outlined above, I have not found it necessary to place any weight on the appeal decisions that are the subject of the legal challenges referred to above in the Preliminary Matters section. Consequently, the outcome of either of those challenges would be very unlikely to have effected my decision in this case in any way had they been available at this time. Consequently, I have given these legal challenges very little weight.

Conditions and Conclusion

51. I have been provided with a schedule of conditions suggested by the main parties, which I considered in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
52. A condition would be necessary to ensure that features of archaeological interest are properly examined/recorded. To protect the environment, a condition to limit construction waste during the building process would be necessary. The submission and approval of a Construction Method Management Statement would also be necessary to safeguard the living conditions of local residents and in the interests of highway safety. In this regard the suggested conditions 6 and 7 could be reasonably combined.
53. Conditions to secure the installation and maintenance of sustainable urban drainage as part of the development and foul water drainage and management,

such as Package Sewage Treatment Works, would be necessary in the interests of flood prevention, to provide appropriate/adequate facilities and to protect the environment. To secure the proposed junction improvements at Ersham Road and Coldthorn Lane, as well as to the South Road/ Ersham Road/ Diplocks Way junction, conditions would be necessary in order to increase the capacity of these junctions to accommodate additional vehicle movements associated with the development and in the interests of highway safety.

54. A condition controlling proposed site levels, along with proposed finished floor levels, would be necessary to safeguard the character and appearance of the area. For the avoidance of doubt and in the interests of proper planning a condition to control any phasing of the construction would also be necessary.
55. Although it is not one of the listed suggested conditions, during the Inquiry the main parties identified that control of the proposed measures designed to limited water consumption rates per dwelling would be justified. A condition along these lines would be necessary to protect the environment. As all matters except for access are reserved for future consideration, condition 11 would be unnecessary however.
56. In summary, notwithstanding the policy conflict and its effect on the character and appearance of the area, given the somewhat limited progress made in respect to the spatial strategy review envisaged by the Core Strategy and in the context of substantial housing need, I find that in the circumstances of this case these important considerations are outweighed by the matters that weigh in favour of the appeal development, particularly the delivery of market and affordable housing. I conclude, therefore, that the appeal should be allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton, of Counsel

Instructed by Kristina Shaw-Hamilton of
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He called
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BA(Hons) MA MRTPI

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FOR THE APPELLANT:

Mark Beard, of Counsel

Instructed by Phillip Hughes of PHD Chartered
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He called
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Pegasus Group

David Clarke Chartered Landscape Architect
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PHD Chartered Town Planners

INTERESTED PERSONS:

Mr Ross Hollister	Local Resident
Mr Terry Bradford	Local Resident
Ms Susan Murcutt	Local Resident
Mr Jacob Szulecki	Local Resident
Mrs Christine Keate	Local Resident
Mr T Rapley	Local Resident
Mr Martin Powell	Local Resident
Mr Geoff Rowe	Local Resident

DOCUMENTS submitted at the Inquiry

- 1 Copies of Land Registry Register of Title Nos ESX345367 ESX345435 and ESX230948 and Plans, submitted by the appellant
- 2 Email dated 11 August 2015 from Kelvin Williams, Head of Planning and Environmental Services, Wealden District Council and the Council's 'Updating measures to protect Ashdown Forest' press release reference 063/15, dated 22 July 2015, submitted by the Council
- 3 A1 size copy of Drawing No CSB/OERH/040 A1 – Cross Section A1 from Coldthorn Lane, submitted by the appellant
- 4 Final Statement of Common Ground signed on behalf of both main parties, dated August 2015
- 5 Planning Obligation by Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 dated 12 August 2015

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/C1435/W/15/3006270:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.
- 5) No work shall be carried out on site until a detailed management plan for reducing construction waste during the building process in the form of site management, waste management and project design and planning has been submitted to and approved in writing by the local planning authority. The approved waste management plan shall be implemented throughout the construction period.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Security and other external lighting
 - Protection of surface water bodies and control of surface water runoff
 - Details of access points to the site and the routes for construction traffic.
- 7) No development shall take place until full details of the foul water drainage system to serve the development, such as Package Sewage Treatment Works, have been submitted to and approved in writing by the local planning authority. The details shall include the design, installation, management, monitoring and long term maintenance of the system during the lifetime of the development. The approved system shall be fully implemented and fully operational before any dwelling is first occupied. Thereafter it shall be managed, monitored and maintained in accordance with the approved details.
- 8) No development shall take place until details of a sustainable drainage scheme for the disposal of surface water, which shall include the provision and implementation of a surface water regulation system and storage facility, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The details shall include:
 - The arrangements for implementing the scheme;
 - A timetable for the implementation of the scheme; and

- A management and maintenance plan for the lifetime of the development which shall include arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 9) No development shall take place until full details of the junction arrangements between Ersham Road and Coldthorn Lane, including the revised junction and the re-alignment of Coldthorn Lane have been submitted to and approved in writing by the local planning authority. These details shall be substantially in accordance with the details shown in the Transport Assessment. The details shall include levels and construction details, surface water drainage, street-lighting, finishing materials and the cross falls and longitudinal falls. The approved details shall be completed before the first occupation of any dwelling and the sightlines maintained free of all obstruction to visibility above 1.0 metres.
 - 10) No development shall take place until details of existing and proposed ground levels and ground floor slab levels of the buildings relative to Ordnance Datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 11) No development shall take place until the local planning authority has approved in writing a full detailed scheme of works for improvements to the South Road / Ersham Road/ Diplocks Way junction. No dwelling shall be occupied until those works have been completed in accordance with the approved details.
 - 12) If it is intended to develop the site in more than one phase a phasing scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall include details of the phasing of the construction of development including the means of access, layout of buildings, car parking and servicing arrangements. The development shall be carried out in accordance with the approved details.
 - 13) Prior to the commencement of development a scheme designed to limited water consumption rates per dwelling, in line with the objectives set out in paragraphs 4.88 and 4.89 of the Proof of Evidence of Phillip E Hughes, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved details for that dwelling have been fully implemented. Once implemented the approved details shall be retained and maintained thereafter.