



Appeal Decision

Hearing held 6 and 7 February 2024

Site visit 7 February 2024

by Mike Worden BA (Hons), DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

APP/C1435/W/23/3330872

Land at Mockbeggars Farm, London Road, Budletts Common, Uckfield
TN22 2EB

- 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 Obsidian Strategic Asset Management Ltd against the decision of Wealden District Council.
 - The application Ref WD/2022/0648/MAO, dated 4 March 2022, was refused by notice dated 22 June 2023.
 - The development proposed is outline application for the development of 60no. dwellings, access and internal roads, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access.
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Decision

1. The appeal is allowed and planning permission is granted in outline for the development of 60no. dwellings, access and internal roads, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access at Land at Mockbeggars Farm, Uckfield, TN22 2EB in accordance with the terms of the application, Ref WD/2022/0648/MAO, dated 4 March 2022, subject to the conditions on the attached schedule.

Preliminary Matters

2. In December 2023 the Council resolved that it would not defend the appeal. In light of this, and following consultation with the main parties, the appeal procedure was changed from an inquiry to a hearing. A local residents group the Mockbeggars Residents Steering Group (MRSRG), Uckfield Town Council, and many individual local residents gave evidence to the hearing and took part in the topic based round table sessions.
3. As well as walking on the site itself, my site visit included Ringles Cross junctions and cottages, Snatts Road/London Road junction, Mockbeggars Farmhouse, Durrant House and Eagle Rock and the viewing of the site from a rear private garden on Coopers Green Road.

Main Issues

4. Having regard to the reasons for refusal and other evidence, I consider that the main issues are:
 - a) Whether the appeal site lies in an appropriate location for the development proposed and whether the proposal would make the most efficient use of land having regard to the National Planning Policy Framework (the Framework)
 - b) The effect of the proposal on:
 - Ecology with particular regard to protected species (bats)
 - Local landscape features
 - Highway safety
 - Heritage assets

Reasons

Appropriate location

5. The appeal site lies to the east of London Road, north of Ringles Cross. It comprises of two fields, both used for pasture. The fields are separated by a hedgerow. The eastern boundary of the site lies to the rear of the gardens of the houses on Ringles Cross Road. The western boundary abuts London Road and is separated from it by a mature hedgerow. Housing lies both to the south and north of the site. The houses to the north are generally set in large grounds. Mockbeggars Farm and the Farmhouse lie outside of the site to the north east.
6. The land generally slopes down from north to south and from east to west but rises to the southern part of the eastern field where an Ancient Woodland, Round Wood lies adjacent to the site.
7. The appeal site lies around 330m north of the Uckfield development boundary as set out in the Wealden Local Plan 1998 (the WLP). Saved policies GD2 and DC17 of the WLP resist new housing development in the countryside which is not essential for agriculture or forestry or another rural justification. The proposal is contrary to these policies.
8. The Core Strategy Local Plan 2013 (the CS) retained the boundaries in the WLP but acknowledged that they would have to be breached to deliver the level of housing development required in Uckfield. It was envisaged that this would be actioned through a separate development plan document. Consequently, as set **out in the Council's officer's** report to Planning Committee when the application was considered, **the proposed development's location outside of the** adopted settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.
9. Although in outline, the proposal is for 60 dwellings. An indicative layout submitted to support the application has been amended to provide open space in certain parts of the site and to specifically create a landscaped area in the southwestern part of the appeal site. The development, if allowed, would not be specifically tied to this scheme since layout is a matter reserved for

subsequent approval. Nevertheless, the plan does show how a 60 house scheme could be accommodated on the site taking account of required standards and site constraints. From the information before me, and given that the proposal is in outline, the scheme does not appear to be an inefficient use of land and I consider that there is no conflict with the provisions of the Framework in this regard.

10. I will consider the transport issues relating to location later in this decision.

Ecology

11. **As a result of concerns from the Council's** Biodiversity Officer, a revised indicative layout was submitted in February 2023. This sought to provide woodland in the southwestern corner of the appeal site and also minimise fragmentation of the central hedgerow running north-south across the site. These are also shown on the Land Use Parameters Plan which would be one of the approved plans.
12. The appeal site is not subject to any statutory or non-statutory ecological designations. The nearest statutory designations and non-statutory designations are around 500m and 50m away respectively.
13. The submitted ecological appraisal, based on surveys, indicates that there are no buildings or structures present on the appeal site and that none of the trees have features to support roosting bats. The survey indicates that the vast majority of bats recorded at the appeal site were Common and Soprano Pipistrelle bats, the most common and widespread species. There were very low numbers of other bat species indicating that the site is not an important commuting or foraging resource for those types of bats. There is no evidence to support the views of MRSG that there is a significant bat population, nor that there are notable populations of Bechsteins bat. The survey methodology is a standard approach in accordance with professional body advice. **The Council's** Biodiversity Officer has not raised concerns about the robustness of the survey work. There is no evidence before me that the submitted survey work is not reliable. Through the parameters plan and proposed conditions, including those controlling artificial light, the environment for bats would be protected as far as is reasonably possible.
14. There is no evidence that the proposed development would be harmful to the habitat of any protected species. There is no demonstrable evidence of harm to any recognised wildlife corridor through or adjacent to the site as a result of the proposal.
15. The appeal site lies within the recreational zone of influence surrounding Ashdown Forest Special Protection Area (SPA). This is noted for various scarce species and distinctive habitat which are protected under the Conservation of Habitats and Species Regulations 2017. The Ashdown Forest Special Area Conservation (SAC) overlaps the SPA and is noted for wet and dry heaths and the presence of Great Crested Newt as a qualifying feature. Given the evidence, I consider that the proposal would not give rise to a likely significant effect on any other European designated sites.
16. The proposal would increase the number of people living within a short drive of the Ashdown Forest SPA. It is estimated that this proposal would result in an additional 2.34 visits per 16 hour period, equating to one additional visit for

every 2,359 existing visits. Having regard to the evidence I consider that the proposed development could, in combination with other development and plans in the area, have an overall significant effect on the designations through added recreational pressure such that an adverse effect on integrity could occur.

17. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated. Due to the size of the appeal site it is not possible to provide adequate on site mitigation. The Council, in partnership with neighbouring authorities and conservation bodies including Natural England has developed an approach to mitigation based upon the provision of suitable alternative natural greenspace, enhancement of footpaths/rights of way, and access management. This is detailed in the Ashdown Forest SPA Joint Strategic Access Management and Monitoring (SAMM) Strategy.
18. A financial contribution collected from the developer prior to the commencement of the development of the site can be used to help fund strategic off-site measures which are targeted towards increasing Ashdown Forest SPAs resilience to recreational pressure in line with the aspirations of the SAMM Strategy. This SAMM contribution would be in addition to a payment made towards improving and maintaining the visitor offer at the nearby strategic Suitable Alternative Natural Greenspace (SANG). This is set out in a legal agreement provided by the appellant. This unilateral undertaking meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and therefore carries weight in this decision. These contributions would result in suitable mitigation to ensure that the development would not have any significant adverse effect on the SPA. Natural England is content with this approach.
19. The proposal would provide biodiversity net gain primarily through enhancement of existing vegetation and planting of new areas of grassland and woodland. I consider that the provisions of the Framework in respect of biodiversity are met. The Local Nature Recovery Strategy for East Sussex has not yet been published and I do not need to afford any weight to it in my decision.

Landscape

20. The appeal site lies to the north of the town and is well bounded by trees and hedgerows. Outside of the site there is notable amount of mature woodland including the Ancient Woods of Round Wood immediately to the south and Paygate Wood across London Road to the west. Part of Buxted Park including an area of Ancient Wood lie to the east. The appeal site is not the subject of any landscape designation and is not therefore within the scope of being a valued landscape as referenced in the Framework.
21. The area has been characterised as **'ridges and valleys' within the Wealden Landscape and Character Assessment 2014 (WLCA)**. On the site visit I saw evidence of the sandstone outcrops which lie nearby. These are typical of the High Weald National Character Area (NCA), as defined by Natural England, of which the appeal site lies within. This NCA also includes some remnants of medieval landscapes. The WLCA also places the appeal site within the **'landscape setting of Uckfield'** and the **'Upper Ouse Valley'** categories.

22. The **appellant's** Landscape and Visual Impact Assessment (LVIA) has been produced in accordance with Landscape Institute guidelines and the Council is content with it. The GI sketches within it are not in dispute and there is no alternative landscape assessment before me.
23. There are a number of influences around the site which effect susceptibility of the landscape to change, including London Road, the garage/caravan site and the housing which lies to the east, north and south of the site. **The Council's** Conservation Officer considers that these influences have already degraded the significance of the wider historic landscape, and I agree with that position.
24. The proposal will cause harm to the character of the landscape. This is inevitable given that the proposal involves the development of a greenfield site. Within the site itself the LVIA judges this to be major to moderate adverse impact at day one and moderate adverse over the longer term. Given the site attributes and having particular regard to the slope of the land, I consider the initial impacts will be major. The character of the site from within the site itself and as experienced from the rear gardens of the properties to the east of the site on Coopers Green Road, will be changed significantly and permanently.
25. The site is fairly well contained, and because of those other influences which effect susceptibility to change, the impact on the wider landscape is less. The LVIA grades this as moderate/minor adverse initially and minor adverse over the longer period. I agree with this categorisation. Whilst the scheme is in outline, the parameters plan indicates retention of hedgerows as much as possible and the planting of new woodland in the south east corner. These kind of measures will help to mitigate the wider impact from the west and south, and in particular from the public footpath which runs parallel to London Road from the Whitehouse Farm track towards Paygate Wood. This is viewpoint 6 in the LVIA.
26. From my site visit I could see the appeal site from the environs of Durrant House and Eagle Rock. The proposed development would be visible from these locations, but I consider that the views would be softened by existing planting, even in winter. Also, since the land to the north is higher than the appeal site, I consider that the principal views southwards would tend to be across and above the proposed development towards Round Wood. In any case such views are private, albeit ones which would be experienced by the residents of those and nearby properties.
27. Given that the sandstone outcrops at Budletts Common Rocks Local Wildlife Site are some 50m outside of the appeal site boundaries, I consider that the proposed development would not cause harm to that site. There is a proposed 15m buffer to be provided in respect of the boundary of Round Wood, and Paygate Wood is separated from the site by London Road. I consider that the proposal would not harm the value of either Ancient Wood.
28. For the reasons set out above there would be some conflict with Policy ENV8 of the WLP which seeks to conserve the low rolling landscape of the Low Weald, albeit this would be limited as landscape harm would relate to the confines of the site itself.

Highway Safety

29. The appeal site lies to the north of the town but is accessible from and to the town by private car, bus, walking and cycling. The town centre is around 1.6km from the site. New bus stops would be provided on London Road.
30. The proposed development would be served by a new priority junction on London Road. The safety of this proposed junction design is not disputed. There is no evidence to indicate that a second access point is required.
31. The appellant has submitted a transport assessment. The validity of that assessment has been criticised by MRSG but it has been prepared in accordance with professional body standards and accepted by the highway authority. It predicts around 276 daily trips from the proposed development, a figure which I consider would not have a discernible impact on the highway network in isolation, having regard to the transport assessment evidence. Even with the additional traffic from other committed development, the cumulative impact would not fall into the category of severe, which is the test set out in the Framework. Whilst considerable anecdotal information on traffic conditions has been presented by local residents, there is no robust highway traffic evidence before me other than from the appellant.
32. There are concerns from local residents that the walking route into town from the appeal site would be unsafe for pedestrians. The proposal includes a number of improvements to this route including widening the footway to the west of London Road in the area around Ringles Cottages. These improvements would ensure that the footway does not reduce below 1.9m in width. As part of these improvements provision will be made for some layby parking around 60m to the north of the current pinch point, together with a traffic regulation order for parking restrictions. This is acceptable to the highway authority. Whilst the **Ringles Cottages'** residents current parking arrangements may be altered, there is no evidence that these proposed arrangements would lead to harm to highway safety.
33. Improvements would also be made to the Snatts Road/London Road junction. These measures would improve pedestrian visibility by tightening the northern radius of the junction. The highway authority is content with these proposals. From my site visit, I consider that such improvements would assist a pedestrian to cross the junction en-route into the town centre.
34. Overall I consider that the submitted transport assessment has been prepared robustly and given the absence of alternative evidence, its findings can be relied upon. I consider that the proposal would not lead to harm to highway safety nor lead to a severe impact on the highway network, alone or in combination with other proposals. The off-site transport proposals would help to mitigate the impact of the scheme and would assist in making walking, or using public transport from the site into the town more of an attractive option than may currently be the case. An approved travel plan will be required as part of the proposals. Whilst the footway and car parking arrangements and restrictions around Ringles Cross may inconvenience some residents who currently park there, I consider that these would not lead to harm to highway safety.
35. The proposal would therefore accord with saved policy TR3 of the Wealden Local Plan which seeks to ensure that there would be no unacceptable traffic

impact of new development, and the provisions of the Framework in respect of transport.

Heritage

36. The application was accompanied by a Heritage Statement. **The Council's** Conservation Officer does not object to the proposal and heritage was not one of the reasons for refusal.
37. I do not consider that the proposal would cause any harm to Buxted Park Registered Park and Garden or Scheduled Monument, given the distance and lack of inter-visibility between them and the appeal site.
38. There are no nationally designated assets within the immediate area of the appeal site. Budletts House is a Grade II listed building some 120m to the north west of the site on London Road. It is currently in use as a restaurant. Given its distance away and the characteristics of the area in between, I do not consider that the proposal would lead to harm to the significance of the listed building or its setting.
39. Spring Cottage lies on the west side of London Road, but is closer to the boundary of the appeal site than Budletts House. It is a traditional roadside cottage of the 18th or 19th century which retains its original form and character. For these reasons the Council recognises it as a non-designated heritage asset.
40. The cottage is offset from the appeal site and its location is opposite the caravan/car sales site. Its immediate setting will not be impacted by the proposed development. Impact on the wider setting would be negligible and I consider that there would be very little harm arising.
41. Durrant House is not recognised as a non-designated heritage asset. It has some architectural and historical interest and I was able to see this on my site visit. It is an interesting example of an Arts and Crafts house and both the house and gardens have historical connection with the second world war.
42. Eagle Rock also lies to the north of the appeal site and is similarly not recorded as a non-designated asset. Eagle Rock House is an interesting architect designed house dating from the 1980s which has won a RIBA award. It has a low profile within the sandstone and woodland area. The house does not share its immediate setting with the appeal site. I consider that the proposal would not cause harm to the significance of Durrant House or Eagle Rock.
43. Mockbeggars Farm is a non-designated heritage asset recorded on the Historic Environment Record. It lies immediately adjacent to the appeal site. It is a 19th century farm likely to be a satellite farm associated with the Buxted Estate. Whether or not it was once a coaching inn is disputed but I consider that not to be of relevance to this decision. The immediate setting of the farm would not be harmed by the proposal as the farm buildings, its courtyard and entrance would not be impinged upon. However, I consider that there would be less than substantial harm to its wider setting as the field behind the farm would be developed for housing and this field forms part of the surroundings in which the heritage asset is experienced.

Other Matters

Flood risk/drainage

44. The Lead Local Flood Authority has no objection to the proposal subject to conditions. Neither does the district council's **drainage engineer**. **This is an** outline application and the details relating to surface water management and dealing with local flood risk would normally be left to reserved matters and conditions stages. At the hearing it seemed to me that much of the dispute between the appellant and MRSG related to issues that could be discussed and agreed at the discharge of conditions and detailed design stages, and not ones that would prevent a grant of outline planning permission.
45. Suggested conditions have been agreed by the Council and the appellant, taking account of the views of the Lead Local Flood Authority. These were not challenged at the round table session on flooding or in the conditions session.
46. MRSG invited me to inspect the cellar at Mockbeggars farmhouse where there is a well. The appellant acknowledges that the level of water in the well demonstrates that infiltration devices for the disposal of surface water are unlikely to be feasible across parts of the appeal site. Further site investigations will be required to inform the final drainage solution for the proposed development at a later stage.
47. There is no compelling evidence that the proposal would increase existing flood risk. Nor is there any compelling evidence that the circumstances relating to this site and this proposal are so exceptional that the mitigation of flood risk and surface water disposal cannot be dealt with by conditions.
48. There is no evidence that the proposal would breach the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 or that there would be a risk of water contamination. In any case, a condition is imposed to ensure that there would be appropriate surveys and measures in respect of any potential contamination risk.

Disturbance to Mockbeggars Farm.

49. There is no evidence that the proposal would harm or increase the risk of harm to the welfare of animals on the Mockbeggars Farm small holding. Layout is a matter for subsequent approval and a landscaping strategy and management plan will be secured by condition. Boundary treatment is a matter for detailed stages not outline and the nature and robustness of boundary treatment measures will be expected to be agreed at that stage. Whilst the views out of the farmhouse towards the site will alter, there is no evidence of undue harm to living conditions of the occupiers with regard to privacy. In any event, the layout and detailed design of the proposed scheme is an issue for reserved matters.

Housing land supply

50. It is common ground that the Council cannot demonstrate a five year housing land supply. The Council consider that it has a 3.83 years supply and the appellant considers it to be 3.19 years supply. The difference between the two main parties on supply is not great.

Mill House Farm decision

51. An appeal decision at Mill House Farm, Maresfield, Uckfield¹ was drawn to my attention. I consider that the issues which the Inspector weighed in the planning balance are different to those before me. The Inspector found harm to the character and appearance of the area and poor accessibility, along with concerns over the effectiveness of the unilateral undertaking, none of which I have found in this appeal. I therefore place little weight on this decision.

Benefits

52. The scheme will provide new housing in an area where there is an acknowledged shortage of land for new homes. As set out in the Framework, the Government has an objective of significantly boosting the supply of homes. Consequently, this benefit is afforded very significant weight. I have also had regard to the shorter than standard time limit for the submission of reserved matters agreed between the parties. This should aid the ability of the site to contribute early to addressing the significant shortfall of deliverable housing land in Wealden.
53. The scheme will provide 21 affordable housing units in an area where there is an acknowledged shortage of affordable homes. This percentage meets and does not exceed the policy requirement set out in Policy WCS8 of the CS and Policy AFH1 of the Affordable Housing Delivery Local Plan 2016. For this reason I do not attach as much weight to this benefit as the appellants consider I should do, but still it carries significant weight.
54. The provision of 3 self build plots within the scheme carries substantial weight.
55. There are a number of economic benefits associated with the proposal. Some are claimed as benefits by the appellant whereas I would consider them to be requirements of any scheme. This includes the provision of council tax which is more of a payment for a service. The scheme will provide some economic benefit, albeit short term, in respect of construction, and some longer-term benefits to the local economy. Overall I consider the economic benefits to carry some weight in the planning balance.
56. The proposal would provide some biodiversity net gain for which I attach moderate weight.

Conditions

57. The appellant and the Council have agreed a set of suggested conditions. These were discussed at the hearing and an amended set of conditions was submitted to me. I have considered these conditions in relation to the tests in the Framework and planning practice guidance. I have made some minor, non-material, alterations for conciseness and clarity. I have amended the description of the reserved matters to reflect the definition set out in Town and Country Planning (Development Management Procedure) (England) Order 2015.
58. It is agreed between the appellant and the Council that the standard time limit condition for submission of reserved matters should be two years from the date

¹ APP/C1435/W/22/3292552

of this decision rather than the standard three. Given the need for the site to contribute to housing supply quickly, I concur with this approach.

59. There is a need for a condition setting out the plans to which the permission relates in the interests of clarity and certainty. A number of pre-commencement conditions are necessary. These cover the need for submission and approval of further details relating to archaeology given the potential for archaeological interest; a construction management plan in the interests of the environment and amenity; flood risk mitigation and drainage for the reasons set out in this decision; emissions mitigation in the interests of amenity; water efficiency and renewable energy measures in the interests of the environment; and the design and maintenance of the access and key infrastructure in the interests of highway safety.
60. In the interests of promoting accessibility, conditions are necessary to require the approval of and adherence to a transport travel plan and the submission of details of cycle storage. In the interests of amenity, a condition is required to control hours of construction site working and deliveries.
61. A condition is required to ensure that a contamination investigation and risk assessment is undertaken and acted upon if necessary.
62. Conditions are imposed to secure details of internal road design in the interest of highway safety; to set out parking space requirements also in the interest of highway safety; and to control noise in the interest of living conditions of residents.
63. In the interests of ecology there is a need for conditions to require the submission and approval of a wildlife management plan, to ensure that adherence to the submitted Ecological Appraisal and to control lighting. Conditions are required to ensure that a landscape management plan is submitted to and approved prior to first occupation, and also to control the management of trees and hedgerows on the site in the interests of the character and appearance of the area.
64. Conditions are also imposed to require the submission and approval of a phasing plan, and to ensure compliance with the submitted Design and Access Statement and the Land Use Parameter Plan in the interests of good design.

Planning Obligations

65. A fully executed section 106 agreement (unilateral undertaking) has been submitted by the appellant. It covenants to make provision for affordable housing; self/custom build plots; open space; highway works; and financial contributions to the SAMM and SANG, bus service provision and for monitoring.
66. In respect of affordable housing the agreement requires 35% of the dwellings to be affordable and sets out the detail and delivery arrangements of that provision. Provision is made for 5% of the plots on the site to be self or custom build housing.
67. I am satisfied that the obligations contained in the unilateral undertaking meet the necessary tests set out both in the Community Infrastructure Regulations and the Framework. All are necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind. I have taken the agreement into account in my decision.

Planning Balance

68. The proposal is in conflict with policies GD2 and DC17 of the WLP, both of which the Council and the appellant consider are out of date. However, the appeal site being outside of the adopted settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole because the CS recognises that the WLP set boundaries from 1998 would have to be breached to deliver the level of housing required. The conflict is therefore limited.
69. I have concluded that the proposal would cause some harm to landscape character but that this would be largely contained within the locality of the site. There would be some conflict with Policy EN8 of the WLP.
70. I have found no harm to ecology or highway safety and concluded that the proposal would not lead to a severe impact on the highway network. The proposal is not in an inappropriate location for new housing development and with the package of highway and other transport measures secured through section 106 agreement, the use of non-car means for journeys into the town will be more of an attractive option than it may be currently.
71. I have also found that there would be less than substantial harm to one non-designated heritage asset and this is to be weighed in the planning balance.
72. The Council cannot demonstrate a 5 year supply of housing land. In accordance with the provisions of paragraph 11d of the Framework, the policies which are most important for determining the application are considered to be out of date.
73. The proposal would deliver a number of benefits primarily the provision of housing in an area of acknowledged housing land shortage. This carries very significant weight. The provision of affordable housing also carries significant weight. There would be other benefits too. Taken as a whole, I consider that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
74. Whilst the proposed development is contrary to the development plan, material considerations indicate that the decision should be taken otherwise than in accordance with it.

Conclusion

75. For the reasons given above the appeal should be allowed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Litton KC	Landmark Chambers, instructed by Obsidian Strategic Land Management Ltd
He called:	
Mark Bewsey (BA Hons) PGDipPlan MRTPI	Director DHA Planning (Planning)
Dan Simpson BSc (Hons) PhD (Bris) CEcol MCIEEM	Director Aspect Ecology (Ecology)
Chris Jenkinson BA (Hons) Dip LA CMLI	Associate Director Aspect Ecology (Landscape)
Simon Moon MSC DIC BEng (Hons) CMILT MCHIHT	Director DHA Planning (Transport)
John Hanlon BEng CEng MICE	Director, Glanville (Flood Risk and Drainage)

FOR THE LOCAL PLANNING AUTHORITY:

Stacey Robins	Head of Planning and Environment
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INTERESTED PARTIES:

Algy Williams	Mockbeggars Residents Steering Group (MRSG)
Andy Earl	MRSG (Heritage)
Chris Hughes	MRSG (Transport)
Charlotte Wales	MRSG
Graham Midmer	MRSG
Dr Alan Thompson C.Geol, FGS, MRTPI.	MRSG (Flood Risk/Drainage)
Vivienne Blandford	MRSG (Landscape)
Danielle McHallan	MRSG (Transport)
Councillor Karen Bedwell	Uckfield Town Council
Councillor Jackie Love	Mayor, Uckfield Town Council
Bernadette Reed	Local resident and local Councillor
Michael Scanlon	Local resident
Dr Martin Stemming	Local resident

DOCUMENTS

Documents submitted at the Hearing

HD1	Appellant's Opening Statement
HD2	Evidence relating to Eagle Rock House – from MRSG and response from Appellant
HD3	Statements and supporting evidence handed in by Bernadette Reed
HD4	Photographs of Ringles Cross submitted by Danielle McHallan

Richborough

SCHEDULE OF CONDITIONS

- 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 takes place and the development shall be carried out as approved.
- 2) A) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
B) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - Site Location Plan
 - Indicative Land Use Parameter Plan (ref 0179/C103D)
 - Drawing 16997-H-03 Rev P3 (within Transport Technical Note dated January 2023)
- 4) A noise report using Pro PG, Planning and Noise shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission showing:
 - A) An initial noise risk assessment of the proposed development site
 - B) A systematic consideration of four key elements.
 - Element 1 - demonstrating a "Good Acoustic Design Process"
 - Element 2 - observing internal "Noise Level Guidelines"
 - Element 3 - undertaking an "External Amenity Area Noise Assessment"
 - Element 4 - consideration of "Other Relevant Issues".The report shall demonstrate that:
 - C) Night time internal noise levels within bedrooms will conform to the "good" design range, as identified in BS 8223 and shall include details and specification of passive acoustic ventilation proposed.
 - D) External noise levels within gardens do not exceed 55 dB LAeq (16hrs) (0700-2300)
 - E) Internal noise levels within habitable rooms (living rooms/conservatories) will conform to the "reasonable" design range, as identified in BS 8223: Sound Insulation and Noise Reduction for Buildings/Code of Practice.All mitigation measures deemed necessary shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved scheme prior to occupation of those dwellings identified as requiring noise mitigation.
- 5) Alongside the submission of any Reserved Matters application, a Compliance Statement shall be submitted to, and approved in writing by

the Local Planning Authority, based upon the principles contained within the Design and Access Statement dated January 2022. The Compliance Statement shall take account of and accord with the Land Use Parameter Plan hereby approved.

- 6) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority
- 7) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details as appropriate but not be restricted to the following matters:
 - Temporary access provision.
 - The anticipated number, frequency and types of vehicles used during construction.
 - The method of access, turning, egress and routeing of vehicles during construction.
 - The parking of vehicles by site operatives and visitors.
 - The loading and unloading of plant, materials and waste.
 - The storage of plant and materials used in construction of the development.
 - The erection and maintenance of security hoarding.
 - The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
 - Details of public engagement both prior to and during construction works.
 - A scheme for the control of noise and dust.
 - Measures to manage flood risk, both on and off the site, during the construction phase.

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.

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

- 9) Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- If the Infiltration Proposal (detailed within the Flood Risk Assessment) is proposed, the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with the BRE365 and groundwater monitoring undertaken between autumn and spring. The strategy should be supported by detailed drainage drawings and hydraulic calculations which should take into account the connectivity of the different surface water drainage features.
 - If Attenuation Proposal (detailed within the Flood Risk Assessment) is proposed, surface water discharge rates should not exceed Q_{bar} for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted to support the detailed drainage drawings of the drainage strategy. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - The condition of the ditch/drain which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements should be carried out prior to construction of the outfall.
 - The details of the outfall of the proposed attenuation pond should be provided as part of the detailed design. This should include cross sections and invert levels.
 - The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - The detailed design of the attenuation pond/permeable paving should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
- The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings.
- 10) A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
- A) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

B) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

- 11) Before preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained.
- 12) The development shall not commence until technical details of the layout of the access and all associated off-site highway works which shall include details of new and enhanced footways, uncontrolled crossing point, bus stops, new layby and layby enhancements, Snatts Road junction improvements, and associated Traffic Regulation Orders (speed limits and parking restrictions) have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the technical highway scheme and Traffic Regulation Orders have been authorised and completed.
- 13) 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.
- 14) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road(s), surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.
- 15) 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:
 - A) A survey of the extent, scale and nature of contamination;
 - B) 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;

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

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

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

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

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

- 17) Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it.
- 18) Prior to commencement of development a phasing plan shall be submitted for approval to the local planning authority. This shall include the phasing for the various elements of the development, including associated infrastructure. Unless otherwise agreed in writing by the local planning authority, the development of the site shall be carried out in accordance with the approved phasing plan.
- 19) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for

lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall accord with the Ecological Lighting Design Principles (6212 - TN01) Additional Information and conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note GN01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.

The scheme shall be implemented in accordance with the approved details and retained thereafter.

- 20) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the written scheme of investigation (set out in condition 4) to the written satisfaction of the Local Planning Authority.
- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the landscape management shall be carried out in accordance with the approved plan for the lifetime of the development.
- 22) Notwithstanding the details as submitted, prior to first occupation, details for the provision of cycle storage in accordance with East Sussex County Council's adopted standards shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained thereafter.
- 23) The development shall take place strictly in accordance with the recommendations set out within the Ecological Appraisal January 2022 (date stamped 9 March 2022) and the Bat Survey Update 2023 Technical Note 02 (within Hearing Statement on Ecology Matters dated 9th January 2024) authored by Aspect Ecology. The development shall be carried out in accordance with the approved details and thereafter retained.
- 24) During the site preparation and construction phases no audible works or deliveries/removals shall be undertaken other than within the times Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays or Public/Bank Holidays.
- 25) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911: 1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

- 26) The access shall not be used until visibility splays which accord with those shown on Drawing 16997-H-03 Rev P3 within the Transport Technical Note (date stamped 13.01.2023) are provided in both directions and maintained thereafter. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
- 27) The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway **Authority's standards with a view** to subsequent adoption as publicly maintained highway.
- 28) Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority.
- 29) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority: -
 - A) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - B) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - C) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - D) 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.
 - E) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - F) 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'.
- 30) The Travel Plan Statement, once approved, shall be in operation from first occupation of development. The appointed Travel Plan Coordinator shall provide a monitoring report to the Local Planning Authority after 1 year of full occupation to be audited by the Highway Authority.

END OF CONDITIONS