

# Planning Committee

## 23 February 2021



Working in partnership with **Eastbourne Homes**

Time: 6.00 pm

**PLEASE NOTE: This will be a 'virtual meeting' held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.**

**Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.**

**Instructions for members of the Committee and Officers to join the meeting have been circulated separately.**

### Membership:

**Councillor Jim Murray (Chair); Councillors Peter Diplock (Deputy-Chair) Jane Lamb, Robin Maxted, Md. Harun Miah, Colin Murdoch, Barry Taylor and Candy Vaughan**

**Quorum: 2**

*Published: Monday, 15 February 2021*

## Agenda

- 1 **Welcome and Introductions**
- 2 **Apologies for absence and notification of substitute members**
- 3 **Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 **Minutes of the meeting held on 26 January 2021 (Pages 3 - 6)**
- 5 **Urgent items of business.**  
The Chairman to notify the Committee of any items of urgent business to be added to the agenda.
- 6 **1 Ridgeland Close. ID: 200986 (Pages 7 - 14)**
- 7 **Ocklynge Chalk Pit. ID: 200855 (Pages 15 - 28)**
- 8 **Land at Friday Street Farm, Stone Cross. ID: 190706 (Pages 29 - 34)**

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**Public Participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the Committee by an Officer.

## Information for Councillors

**Disclosure of interests:** Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

**Other participation:** Please contact Democratic Services for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

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Working in partnership with **Eastbourne Homes**

## Planning Committee

**Minutes of meeting held remotely on 26 January 2021 at 6.00 pm.**

### **Present:**

Councillor Jim Murray (Chair).

Councillors Robin Maxted, Md. Harun Miah, Amanda Morris, Colin Murdoch, Paul Metcalfe MBE, Barry Taylor and Candy Vaughan.

### **Officers in attendance:**

Leigh Palmer (Interim Head of Planning), Neil Collins (Specialist Advisor for Planning), Helen Monaghan (Lawyer, Planning), Emily Horne (Committee Officer) and Jennifer Norman, (Committee Officer).

### **Also in attendance:**

Councillor Alan Shuttleworth, Ward Member for Langney and Councillor Robert Smart, Ward Member for Meads.

#### **44 Welcome and Introductions**

The Chair introduced members of the Committee via roll call, and officers those present during the remote meeting.

#### **45 Apologies for absence and notification of substitute members**

Apologies for absence had been received from Councillors Peter Diplock and Jane Lamb. Councillor Amanda Morris declared that she was acting as substitute for Councillor Peter Diplock and Councillor Paul Metcalfe confirmed he was acting as substitute for Councillor Jane Lamb.

#### **46 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**

There were none.

#### **47 Minutes of the meeting held on 15 December 2020**

The minutes of the meeting held on 15 December 2020 were submitted and approved as a correct record, and the Chair was authorised to sign them.

**48 Urgent items of business.**

There were none.

**49 Hampden Retail Park, Marshall Road. ID: 200909**

Planning permission the erection of a coffee shop with drive thru facility, replacement car parking and associated works – **HAMPDEN PARK.**

This application was brought to the committee for determination as Eastbourne Borough Council was the applicant.

The Committee was advised by way of an addendum report that revised drawings had been received showing an increase in 5 trees on the site and fewer car parking spaces.

Councillor Murray proposed a motion to approve the application in line with the officers' recommendation, the provision of additional trees referred to in the Addendum. This was seconded by Councillor Miah and was carried.

**RESOLVED: (Unanimous)** that Planning permission be granted, subject to the conditions set out in the report and the revisions referred to in the Addendum.

**50 Land at Friday Street Farm, Stone Cross. ID: 190706**

Outline planning application (Matter for approval: Access) for proposed new access from Pennine Way to serve development of Land at Friday Street Farm, for up to 250 residential dwellings (35% affordable), with associated car parking, together with the introduction of new access point from Pennine Way, and creation of a network of roads, footways, and cycleways throughout the site, and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site. Full proposal is being considered by Wealden District Council (Ref: WD/2020/1391/MAO) - **LANGNEY**

The Committee was advised by way of an Addendum of the conflated report, one late representation, four options to the recommendations, updates from Wealden District Council and East Sussex County Council, and further background information.

Councillor Shuttleworth, Langney ward Member, addressed the Committee and spoke on behalf of residents. He asked the Committee to refuse planning permission due to the impact of additional traffic without the necessary mitigation measures.

The Chair, explained that the application was deferred at the Planning Committee meeting held on 24 November 2020 at the request of the Members to enable further discussion with Wealden District Council and East Sussex County Council (ESCC) to negotiate the S106 and 278 Agreements. In response, ESCC had advised that it did not hold the necessary funds to

undertake the mitigation measures required pre-commencement of works.

Councillor Murray proposed a motion to defer the application (Option 4 of the Addendum), for Officers to explore the full funding arrangements for the strategic highways works. This was seconded by Councillor Maxted and was carried.

**RESOLVED: (unanimous)** That planning permission be deferred for consideration / determination of the application to explore the full funding arrangements for the strategic highway works.

#### **51 Planning Application Performance and Appeal Record for the year 2020**

Members noted the content of the report on the performance of determining planning applications and appeals.

Councillor Smart, Meads Ward, addressed the committee on the appeal record, referring to viability studies and pressure of housing shortages.

#### **52 Date of Next Meeting**

Resolved:

That the next meeting of the Planning Committee which is scheduled to commence at 6:00pm on Tuesday, 23 February 2021 in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted

The meeting ended at 7.07 pm

Councillor Jim Murray (Chair)

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# Agenda Item 6

**Report to:** Planning Committee  
**Date:** 23<sup>rd</sup> February 2021  
**Application No:** 200986  
**Location:** 1 Ridgelands Close, Eastbourne, BN20 8EP UG  
**Proposal:** Section 73a part retrospective application for 1.8 m close board fence  
**Applicant :** Mr Jonathan Mitchell  
**Ward:** Upperton  
**Deadlines:** **Decision Due Date:** 18<sup>th</sup> February 2021  
**Neighbour Con. Expiry:** 11<sup>th</sup> February 2021  
**Recommendation:** Approve with conditions  
**Contact Officer:** **Name:** Melanie Bucknell  
**Post title:** Caseworker - Planning  
**E-mail:** melanie.bucknell@lewes-eastbourne.gov.uk  
**Telephone number:** 01323 415000

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## Map Location:



## 1. **Executive Summary**

- 1.1 The proposed scheme has reduced the height of the fence and, in doing so, overcome the reason for refusal of the previous scheme (200444) by way of softening the visual impact of the fence and providing consistency with surrounding boundary treatment.
- 1.2 Scheme is recommended for approval subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

- 2. Achieving sustainable development.
- 4. Decision making.
- 8. Promoting healthy and safe communities.
- 12. Achieving well-designed places.
- 15. Conserving and enhancing the natural environment;

### 2.2 Eastbourne Core Strategy Local Plan 2006-2027

- B2: Creating Sustainable Neighbourhoods.
- C10: Summerdown & Saffrons Neighbourhood Policy.
- D1: Sustainable Development.
- D9: Natural Environment.
- D10: Historic Environment.
- D10A: Design;

### 2.3 Eastbourne Core Strategy Local Plan 2001-2011:

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT7: Landscaping
- HO1& 2: Residential Development Within the Existing Built-up Area
- HO20: Residential Amenity
- NE23: Nature Conservation of Other Sites
- NE28 Environment Amenity

## 3. **Site Description**

- 3.1 An approx. 2.2-metre-high close board fence is currently in-situ on the southern site boundary which flanks Upland Road. The fence has partially collapsed following storm damage inflicted at the end of last year.



- 3.2 Upland Road is a residential road flanked, on the southern side, by a linear arrangement of two-storey dwellings which are set back from the road with low brick walls to the front. The northern side of this part of the road is less developed and is bordered by mature trees and hedging to the rear of properties on Ridgeland Close and green open and wooded areas which extend to the west, towards the South Downs National Park. However, there is more formal boundary treatment in place in the form of boundary walls fronting parts of Upland Road to the east of the site.
- 3.3 Prior to the erection of the fence subject of this application, a chain link fence was in place along the boundary.

#### 4. **Relevant Planning History**

- 4.1 200219 - Proposed single storey extension to be used ancillary to the main dwelling - Approved conditionally 29th May 2020.
- 4.2 200444 - Section 73a retrospective application replacement fence to rear/side boundary – Refused 8th October 2020 No relevant planning history for the application site.

#### 5. **Proposed Development**

- 5.1 The proposed development involves replacing the existing partially collapsed approx. 2.2-metre-high fence with a timber close board fence of 1.8 metres height. The 2.2-metre-high fence had been unlawfully erected and had been refused permission for retention under application 200444. The proposed fence would run along the entire southern boundary of the residential property at 1 Ridgeland Close, which flanks Upland Road.

#### 6. **Consultations**

##### 6.1 External

##### 6.2 ESCC Highways

6.2.1 Refer to standing advice.

6.2.2 OFFICER COMMENT: Concerns that the 2.2-metre-high fence encroached the highway had been raised during the determination of the previous application 200444. These concerns were investigated by ESCC Highways who noted a minor encroachment but did not consider it necessary to take further action. An informative will be attached to any approval given to advise the applicant that the fence should be wholly positioned on their land as per the submitted plans.

#### 7. **Neighbour Representations**

- 7.1 12 letters of objection have been received regarding the application. Objections are lodged on the following grounds:
- Out of keeping with neighbouring properties which have brick walls or hedges.

- Results in an unattractive outlook for neighbours and looks like a temporary barricade.
- Contrary to advice contained within the East Sussex Designing out Crime Supplementary Planning Guidance.
- Contrary to the principals of the Eastbourne Borough Plan.
- Fences adjacent to the highway should be limited to 1 metre height.
- Has resulted in loss of greenery.
- Does not overcome reasons for refusal of previous application.
- The fence is unsafe as demonstrated when parts of it were blown down.
- Creates oppressive environment and impacts negatively on South Downs National Park.
- Should be replaced with hedging.
- Fence should be no higher than neighbouring properties (1.5 to 1.6 metres).
- Is not permitted development.
- Does not provide privacy as no views were available into the site anyway.
- Overbearing appearance is worsened at night due to light from streetlight being reflected.
- Contrary to the proposed Environmental Bill.
- Has resulted in loss of habitat.
- There is a precedent as permission for a fence was denied for a house on the corner between Summerdown Road and Compton Drive and a hedge planted instead.

7.2 Officer Response:

7.3 Matters relating to impact upon visual, environmental, and residential amenity will be addressed in the main body of this report. With regards Secured by Design, guidance recommends 1.8-metre-high fencing on side and rear boundaries of properties, see para. 10.5 of the Secured By Design Guide for Homes 2019 which states ‘Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.’ Lower, permeable fencing is encouraged where surveillance would be required, such as to the front of a dwelling or on a street with no overlooking from other properties, which is not the case for Upland Road.

7.4 Permitted Development rights (under Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015) cover works that can be carried out without the need to obtain planning permission. They do not prohibit development outside of the

thresholds set; they only require that planning permission be granted for any such works.

7.5 It should be noted that some comments received refer to the impact of the existing fence. The proposed development would replace this fence.

7.6 Eastbourne Society: A letter of objection has been submitted by the Eastbourne Society. A summary of comments is provided below:-

- The fence has removed greenery and obscures the green and natural environment.
- The site is exposed and susceptible to gales which would damage the fence and result in a hazard.

## 8. **Appraisal**

### 8.1 Principle of Development

8.1.1 The site is located within the settlement boundary of Eastbourne, where the general principle of development is acceptable.

8.1.2 The Revised National Planning Policy Framework supports sustainable development, which balances economic, social, and environmental objectives as defined in para. 8.

8.1.3 The application will therefore be assessed against these objectives and relevant supplementary planning policies contained within the local development plan.

### 8.2 Impact of the proposed development on amenity of adjoining occupiers and the surrounding area:

8.2.1 The proposed fence would demarcate the rear boundary of 1 Ridglands Close. The boundary was originally maintained by an approx. 1.6-metre-high wire mesh fence behind which was mixed hedging, presumably planted as a form of boundary treatment, with mature trees set further back. A 2.2-metre-high timber fence was unlawfully erected in 2020 and was refused planning permission as it was considered to be excessive height and, as a consequence, to represent a stark and disruptive feature within the street scene.

8.2.2 The proposed scheme seeks approval for a 1.8-metre-high fence. Whilst this form of boundary treatment is not frequently seen on Upland Road, this is primarily due to most boundaries flanking the road being those to the front of properties where high fencing is actively discouraged in order to ensure dwellings engage with the street scene. A 1.8 metre high solid fence is the recommended form of boundary treatment for side and rear boundaries of domestic properties as per para. 10.5 of the Secured by Design Guide for Homes 2019 which states, 'vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.'

8.2.3 Notwithstanding this, impact on visual amenity is a central planning consideration and is not overridden by security needs. It is noted that

the applicant could legitimately form an approx. 1.6-metre-high close board fence along the rear site boundary as the existing concrete posts supporting the wire mesh fence have been retained. This would represent an alteration/improvement allowable under Schedule 2, Part 2, Class A of The Town, and Country Planning (General Permitted Development) (England) Order 2015.

- 8.2.4 Whilst the 2.2 metre high fence previously erected was considered to be of excessive height and unduly imposing, the proposed 1.8 metre high fence would be consistent with the height of fencing on the corner of Ridglands Close and would therefore visually assimilate with this existing feature, addressing concerns of a disruption in the rhythm of the street scene raised in the refusal of application 200444. It is also considered that the timber fencing will weather in over time, appearing as a more subdued visual feature and, in some way, complementing the landscaping to the rear.
- 8.2.5 The previous reason for refusal also raised the issue of the verdant nature of the site and wider street scene being negatively affected. It is noted that the applicant has removed vegetation from the rear of the site. Trees removed were not subject of any Tree Preservation Order and that the hedging and shrubbery immediately adjacent to the boundary would not have been protected even if such protection were in place. Several mature trees remain in position to the rear of the site.
- 8.2.6 It is considered that a fence of 1.8 metres height would allow less restrictive views of the retained tree canopy when seen from street level. It is also noted that the patio area formed to the rear of the fence includes planters which could be used to accommodate ornamental trees that would be visible above the fence line and would augment with existing trees to provide a layered green canopy. It is therefore considered that, with a suitable planting condition in place, a verdant character can be maintained. Planting could also consist of native species that provide enhanced biodiversity value.
- 8.2.7 It is therefore considered that the proposed fence would integrate with the existing street scene, would not appear overly dominant or oppressive and that a green buffer to the rear could be maintained and enhanced by a suitable planting programme. As such, it is considered the proposed development complies with saved policies UHT1, UHT4 and NE28 of the Eastbourne Borough Plan and policies D9 and D10a of the Eastbourne Core Strategy.

### 8.3 Highway Safety

- 8.3.1 One of the reasons behind the general limiting of boundary treatment height alongside a highway is in order to prevent visibility splays at junctions being compromised, resulting in reduced views of passing traffic and pedestrians and, therefore, a highway hazard. Para. 3.4.8 of the ESCC Highways Minor Planning Application Guidance states 'obstructions within the visibility splay should be no taller than

600mm where there is a footway adjacent to the site and no taller than 1050mm where the access crosses over a verge.' The proposed fence is set back from the main carriageway and flanks a straight section of road. As such, visibility splays are retained at the junction between Upland Road and Ridgeland Close.

- 8.3.2 It is noted that the previously erected fence partially collapsed during high winds and this has led to safety concerns being raised in letters of objection. It is not considered that this would be reasonable grounds for refusing a planning application. It is noted that ESCC Highways have not objected or raised concerns over pedestrian safety and the standing advice referred to in their comments does not prohibit 1.8-metre-high fencing adjacent to the highway. It is the responsibility of the applicant to ensure the fence is constructed and maintained to an acceptable standard as they would potentially be liable for any damage or injury resulting from a collapse of the fence.
- 8.3.3 It is therefore considered that the proposed fence would not compromise highway safety and, as such, accords with paras 108 and 109 of the Revised National Planning Policy Framework.

#### 8.4 Neighbour Amenity

- 8.4.1 The proposed fence is not considered to be of excessive height and is positioned approx. 17 metres from the nearest windows at neighbouring properties facing towards the site. It is considered that this is a sufficient distance to prevent any unacceptable overbearing or overshadowing impact.
- 8.4.2 It is noted that objections include reference to light from the existing streetlamp being reflected and presenting a nuisance. The streetlight is not angled directly towards the fence and timber does not have significant reflective properties. Considering this and the distance maintained between neighbouring properties it is not considered that light reflection would be at a level that would cause harm to the amenities of neighbouring residents or sky glow that would compromise the dark sky reserve status of the nearby South Downs National Park.
- 8.4.3 It is therefore considered that the proposed development complies with saved policies HO20 and NE28 of the Eastbourne Borough Plan and para. 180 of the Revised National Planning Policy Framework.

### 9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

## 10. **Recommendation**

10.1 Grant planning permission subject to the following conditions:

10.2 Time Limit - The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Approved Plans

10.3 Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 1:1250 Location Plan.
- 1:500 Block Plan.
- Drawing Issue 2 – Rear Fence.

Reason: For the avoidance of doubt and in the interests of proper planning.

10.4 Landscaping - A planting scheme to include provision of low level trees to the rear of the fence hereby shall be submitted to and approved by the Local Planning Authority and all such work shall then be fully implemented in the first planting season, following the erection of the fence. Any plants or species which within a period of 5 years from the time of planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve and enhance the verdant nature of the street scene and to provide an ecological enhancement in accordance with saved policy UHT7 of the Eastbourne Borough Plan, policy D9 of the Eastbourne Core Strategy and section 16 of the Revised National Planning Policy Framework.

## 11. **Appeal**

11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

## 12. **Background Papers**

12.1 None.

**Report to:** Planning Committee  
**Date:** 23<sup>rd</sup> February 2021  
**Application No:** 200855  
**Location:** Ocklynge Chalk Pit, Eastbourne, East Sussex  
**Proposal:** Outline application with all matters reserved for siting of 18 residential units

**Applicant :** East Sussex College Group  
**Ward:** Ratton  
**Deadlines:** **Decision Due Date:** 6 January 2021  
**Neighbour Con. Expiry:** 16 January 2020

**Recommendation:** Approve with conditions, subject to S106 Agreement

**Contact Officer:** **Name:** Neil Collins  
**Post title:** Senior Specialist Advisor - Planning  
**E-mail:** [neil.collins@eastbourne.gov.uk](mailto:neil.collins@eastbourne.gov.uk)  
**Telephone number:** 01323 410000

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## Map Location:



## 1. **Executive Summary**

- 1.1 This application is brought to the Planning Committee in line with the Scheme of Delegation as it proposes major development.
- 1.2 The application site is owned by East Sussex College Group and its development is part of wider ambitions to improve the delivery of educational facilities within the borough.
- 1.3 The application seeks Outline planning permission with all matters reserved and would result in the creation of 18 dwellings on the site, adding to two existing derelict houses, which would be refurbished and brought back into use, but which do not form part of this proposal.
- 1.4 Details have been submitted in relation to the principle considerations for this application: The impact upon protected trees; and the impact upon the ecology of the site.
- 1.5 Indicative drawings suggesting a possible layout and dwelling design have been submitted with the application, but all matters (including those covered by submitted details) would be reserved for later approval, including but not limited to: layout; design, landscaping; drainage; flood risk; tree removal/works; sustainability; ecology assessment/mitigation and affordable housing.
- 1.6 At the time of writing, consultation response has not been received from the County Ecologist. Therefore, the recommendation to Committee is for one of the following options to be agreed.
- 1.7 In the event that favourable comments are received from the County Ecologist prior to the Committee meeting, to determine the application in accordance with the recommendations, which would be reported to Committee in an Addendum Report.
- 1.8 In the event that no comments are received from the County Ecologist prior to the Committee meeting, to provide delegated authority for officers to determine the application in accordance with the recommendations of the County Ecologist, following receipt.
- 1.9 Members are advised that, given the principle nature of the outline proposal and the dependency of any resulting scheme upon the detailed Reserved Matters, that these would be brought back to the Committee as and when they are submitted.
- 1.10 The application is recommended for approval subject to the detailed Reserved Matters.

## 2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework 2019
  2. Achieving sustainable development
  3. Plan-making
  4. Decision-making
  5. Delivering a sufficient supply of homes



- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

2.2 Eastbourne Core Strategy Local Plan 2006-2027

- B1: Spatial Development Strategy and Distribution
- B2: Creating Sustainable Neighbourhoods
- C1: Town Centre Neighbourhood Policy
- D1: Sustainable Development
- D5: Housing
- D7: Community Sport and Health
- D8: Sustainable Travel
- D9: Natural Environment
- D10: Historic Environment
- D10A: Design

2.3 Eastbourne Core Strategy Local Plan 2001-2011

- UHT1: Design of New Development
- UHT4: Visual Amenity
- UHT6: Tree Planting
- UHT7: Landscaping
- HO1: Residential Development Within the Existing Built-up Area
- HO6: Infill Development
- H07: Redevelopment
- H09: Conversions and Change of Use
- HO20: Residential Amenity
- TR1: Locations for Major Development Proposals
- TR2: Travel Demands
- TR5: Contributions to the Cycle Network
- TR8: Contributions to the Pedestrian Network
- TR11: Car Parking
- BI1: Retention of Class B1, B2 and B8 Sites and Premises
- BI4: Retention of Employment Commitments
- NE4: Sustainable Drainage Systems
- NE23: Nature Conservation of Other Sites

LCF4: Outdoor Playing Space Contributions

NE14: Source Protection Zone

2.4 Supplementary Planning Documents and other relevant documents

Affordable Housing SPD

Sustainable Building Design SPD

Trees and Development SPG

Eastbourne Townscape Guide SPG

3. **Site Description**

3.1 The application site comprises a former chalk pit, which was originally excavated for chalk and has since been used occasionally by the current owners, East Sussex College.

3.2 The site is accessed at its north western end via a private road linking the site to Willingdon Road, the nearest public highway. As would be expected for a former quarry, the site is concave as a result of the excavation. The site topography slopes gently from the access point into a largely flat base, but is steeply sloped on the southern, eastern and northern sides.

3.3 The site is located within the Ratton Ward and the Ocklynge and Rodmill Neighbourhood, as defined by the Core Strategy 2013. It is not located within any designated conservation area, nor does it include any listed buildings or ancient monuments. However, the site is located within a Archaeological Notification Area.

3.4 The site falls within the Environment Agency's Flood Risk Area 1 (Low Risk).

4. **Relevant Planning History**

4.1 EB/2008/0543

4.2 Development of former chalk pit to provide residential institution with ancillary training buildings (Class C2 Use) for people with learning disabilities, to include a bakery and tea room, and a foyer extension to the former Lime Kiln Cottages and conversion to provide ancillary administrative offices associated with the proposed development. Approved, 9<sup>th</sup> March 2009.

5. **Proposed Development**

5.1 The application seeks outline planning permission for the construction of 18 residential dwellings on the site. All other matters are to be reserved for later approval.

5.2 The applicant has submitted details of tree removal, shade analysis based on the degree of tree removal and an Ecology Assessment, together with plans showing an indicative layout, dwelling design and access/parking/landscaping.

## 6. Consultations

### 6.1 External

#### 6.2 ESCC Highways

6.2.1 No comments received.

#### 6.3 Southern Water

6.3.1 Southern Water has confirmed that further information would be required to demonstrate that drainage could be achieved on site and that any SUDs scheme could be maintained over the lifetime of the development.

#### 6.4 ESCC SUDs

6.4.1 SUDs have confirmed that further information is required to determine that surface water runoff from the proposed development can be sufficiently managed.

6.4.2 There are no surface water sewers or watercourses located within the vicinity of the site. If infiltration to the ground is proposed, SUDs will require that soakaway testing is carried out to BRE365 standard to demonstrate that infiltration will be feasible at the site. Infiltration testing should be carried out at the depth and location of the proposed infiltration features.

6.4.3 It is SUDs preference that existing surface water flow paths are maintained at the site.

#### 6.5 Southern Water

6.5.1 No objection subject to a SUDs scheme to demonstrate effective foul and surface water management and maintenance over the lifetime of the development.

### 6.6 Internal

#### 6.7 Specialist Advisor – Planning Policy

6.7.1 No principle objections on policy grounds.

#### 6.8 Specialist Advisor – Environmental Health

6.8.1 Conditions are advised requiring submission of details of hours of working, prevention of pollution and prevention of burning material on site during the construction period.

#### 6.8 Specialist Advisor - Regeneration

6.8.2 The planning application qualifies for a local labour agreement as it meets the thresholds for a residential development as detailed on page 11 of the Employment and Training Supplementary Planning Document adopted November 2016.

6.8.3 The proposed development will provide an opportunity for construction students to visit to learn about techniques associated with new builds and refurbishment and gain an understanding of building considerations relating to the topography of the site.

Additionally, the main contractor will be able to participate in extra-curricular and careers initiatives at local primary and secondary educational establishments.

- 6.8.4 Regeneration requests that should outline planning permission be granted for the site, it be subject to a local labour agreement.

6.9 Specialist Advisor – Arboriculture

- 6.9.1 The Specialist Advisor for Arboriculture has raised concerns that the proposed development would lead to additional tree loss in order to provide sufficient daylight within the dwellings and that this would impact upon the integrity of the woodland Tree Protection Order. Conditions have been recommended in the event of approval of the application to ensure that tree/loss and protection can be fully assessed as part of a detailed reserved matters scheme.

7. **Neighbour Representations**

- 7.1 9 representations have been received regarding the application, which raise the following concerns:

- Neighbour privacy/security
- Impact upon wildlife
- Access and parking
- Construction related traffic
- Building heights
- Loss of privacy
- Loss of trees / habitats.

8. **Appraisal**

8.1 Principle of Development

- 8.1.1 Para. 73 of the Revised National Planning Policy Framework (NPPF) instructs that 'Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. As the Eastbourne Core Strategy is now more than 5 years old, local housing need is used to calculate the supply required.
- 8.1.2 The most recently published Authority Monitoring Report shows that Eastbourne can only demonstrate a 1.43 year supply of housing land. The application site is not identified in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) or on a brownfield register. It therefore represents a windfall site that would boost housing land supply.
- 8.1.3 Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a

clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.1.4 This site would be considered a windfall site, as it has not previously been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA). The application will result in a net gain of 18 residential units.
- 8.1.5 Taking account of the above policy position, the proposed residential use of the site is considered to accord with the objectives of the Development Plan and is considered to be acceptable in principle

## 8.2 Ecology

- 8.2.1 The applicant has submitted a Preliminary Ecological Assessment, which confirms that a Stage 1 Habitat Survey has been carried out for the site. The Assessment broadly concludes that further investigation will be required in order to fully assess the ecological impacts of the development, together with initial recommendations for mitigation measures based upon the indicative proposal.
- 8.2.2 The County Ecologist has been consulted regarding the application in the absence of in-house ecology expertise. The Council is expecting a response to the consultation, which will appraise the submitted information. It is envisaged that the decision will follow the recommendations and/or objections of the County Ecologist and, as such, the recommendations for this application are dependent upon the receipt of comments, as outlined in the Executive Summary.
- 8.2.3 It should be noted that this application seeks outline permission with all matters reserved. This would provide a significant degree of flexibility in the approach to any detailed scheme and potential ecological impacts. A detailed scheme would be the subject of further scrutiny and could respond to the recommendations of the County Ecologist and any further studies that are required to understand the full ecological value of the site and, in turn, the required mitigation measures.

## 8.3 Loss of protected trees and landscaping

### 8.3.1 Trees

- 8.3.2 The proposal will have an impact upon existing trees, which form part of the woodland Tree Protection Order covering the site. The applicant has submitted an Arboriculture Assessment, which details a degree of tree removal. Whilst this degree of removal has been submitted, it may be subject to significant change taking account of any revisions to the scheme, including the building locations and associated landscaping works. All matters would be reserved for consideration when a comprehensive assessment can be made on a detailed scheme. This could include a lesser loss of trees, including in relation to the ecology of the site.

- 8.3.3 Taking into account that tree works are would not be approved as part of this application, it is not considered that refusal of this application on the loss of trees could be adequately justified.
- 8.3.4 Landscaping
- 8.3.5 Indicative plans show the potential layout of hard and soft landscaping features for the site. The plans demonstrate that the proposed quantum of development can be accommodated on the site with a good degree of soft landscaping around the dwellings and access/parking surfacing.
- 8.3.6 The site take up of any development, including hard and soft landscaping, would need to be assessed in relation to a full and conclusive ecological assessment, tree works, drainage and the detailed design and scale of the proposed dwellings. However, the site is considered to be sufficient in size to accommodate an appropriate proportion of good quality hard and soft landscaping as part of a comprehensive and detailed scheme.
- 8.3.7 A landscaping scheme would be secured by reserved matters and would be required to provide rich and diverse planting to achieve biodiversity net gains.
- 8.4 Amenity for future occupants
- 8.4.1 Privacy
- 8.4.2 The indicative layout shows buildings that would face each other across the width of the site. The window to window layout would be across a centrally placed access road running the length of the site. This layout could result in privacy issues for future occupants. However, it is considered that there is scope within the site to achieve an alternative layout and, together with detailed building designs, could overcome privacy issues.
- 8.4.3 Daylight
- 8.4.4 The topography of the site and the existing tree cover has implications on the delivery of high quality, well-lit, residential accommodation. Successful residential accommodation would require excellent architectural design and orientation, coupled with careful and effective tree removal to allow for daylight/sunlight to serve the dwellings not just following construction, but throughout the lifetime of the development, taking into account of the regrowth of trees. Given that both the extent of tree works and the exact layout / building design is to be considered at a later date, it is not considered that this application could reasonably be refused on these grounds when a detailed scheme submitted at reserved matters stage could effectively overcome the issues.
- 8.5 Affordable Housing provision
- 8.5.1 Any development which involves the net gain of 10 or more new dwellings is required to incorporate provision of affordable housing

as per para. 64 of the Revised NPPF and policy D5 of the Eastbourne Core Strategy.

- 8.5.2 The Policy D5 of the Eastbourne Core Strategy (2013) and the Affordable Housing SPD (2017) require on-site affordable housing provision unless such provision would render the development financially unviable. The following order of preferred provision forms the basis for assessment, taking into account the characteristics of the site:
- The Council's on-site preferred mix;
  - An on-site alternative mix to be agreed upon by the Council and the relevant developer(s);
  - A level of affordable housing on-site which is less than the specified threshold;
  - Serviced plots onsite;
  - Service plots offsite;
  - Transfer of land;
  - A commuted sum.
- 8.5.3 The site is located within a 'high value area', as stated within the Council's adopted Affordable Housing SPD 2017, which requires 40% affordable housing provision. Based upon the submitted scheme (18 units), this would amount to 7.2 units; 7 units provided on-site, with the remaining provision forming an off-site financial contribution, in accordance with the Affordable Housing SPD.
- 8.5.4 An on-site tenure mix of 70:30 Rented to Shared Ownership would be sought in any scheme brought at reserved matters stage and would be adjusted where necessary to take account of any viability issues
- 8.5.5 A mix of unit sizes would be sought to reflect, where possible, the following defined housing need, as stated within the Affordable Housing SPD:
- 1 bedroom: 40 per cent;
  - 2 bedrooms: 30 per cent;
  - 3 bedrooms: 20 per cent;
  - 4+ bedrooms: 10 per cent.
- 8.5.6 All The above provision would be sought via Section 106 Agreement and secured at reserved matters stage, in accordance with the requirements of the Affordable housing SPD.
- 8.6 Accessibility and impacts upon highway networks
- 8.6.1 Policy TR2 of the Eastbourne Borough Plan states that development proposals should provide for the travel demands they create and shall be met by a balanced provision for access by public transport, cycling and walking. Additionally, Policy D8 of the Core Strategy recognises the importance of high quality transport networks and seeks to reduce the town's dependency on the private car.
- 8.6.2 Accessibility

- 8.6.3 The site is located in a Predominantly Residential Area and is accessible by foot and car. There are frequent bus services available on Willingdon Road, bringing the amenities of Eastbourne Old Town and town centre within reach for future occupants.
- 8.6.4 Parking
- 8.6.5 The submitted indicative layout demonstrates that both vehicle and cycle parking can be adequately accommodated on site for the quantum of proposed development. Detailed scrutiny of the size and arrangement of parking spaces and any other on-site vehicle manoeuvring would be reserved for reserved matters stage.
- 8.6.6 It is considered that the transport needs generated by the quantum of dwellings that would be approved by way of this application could be adequately provided for in detailed proposals.
- 8.6.7 Taking the above considerations into account, it is considered that the proposed development complies with Policy TR11 of the Eastbourne Borough Plan Saved Policies (2007).
- 8.7 Other matters
- 8.7.1 Sustainability / Energy
- 8.7.2 In line with Core Strategy Policy D1 and the Sustainable Building Design SPD, sustainability measures would be sought by reserved matters and would be required to demonstrate that would include solar voltaic and water heating panels on the roof for renewable energy provision.
- 8.7.3 Taking account of the site's location, electric vehicle charging would be sought as part of a detailed scheme in line with the Council's sustainability aspirations.
- 8.7.4 Archaeology
- 8.7.5 The site is located within an Archaeological Notification Area. As such, the developer would be required by the reserved matters to submit a programme of archaeological works in accordance with a written scheme of investigation.
- 8.7.6 Drainage
- 8.7.7 A full SUDs scheme would be required by reserved matters and would be subject to the agreement of ESCC SUDs and Southern Water regarding any drainage design and this would be approved prior to commencement and implemented in accordance with the approved design prior to first occupation.
- 8.7.8 Construction Management
- 8.7.9 A Construction and Environmental Management Plan would be required by reserved matters to ensure that construction related traffic would be suitably managed in relation to the site, including delivery times, parking, types of vehicles and construction traffic movement on and around the site. The Plan would demonstrate how the environmental impacts of construction upon neighbouring



occupants would be mitigated. The plan would also include the previously mentioned pollution mitigation measures.

8.7.10 Flood Risk

8.7.11 The site is located within the Environment Agency's Flood Risk Area 1 (Low Risk).

8.7.12 However, a large area of the site is shown to be at high risk from surface water flooding on the Environment Agency's Risk of Flooding from Surface Water data set, with flood depths up to 0.90m predicted during the 1 in 30-year rainfall event. This area of flooding is shown to affect proposed residential units. Therefore, a flood risk assessment would be required for submission at reserved matters stage together with the detailed building design, to ensure that future residents would be protected in the event of flooding of the site.

8.7.13 Community Infrastructure Levy

8.7.14 The development is CIL liable.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 Grant planning permission subject to a Section 106 Legal Agreement for the following Heads of Terms: Affordable Housing and Local Labour Agreement.

10.2 Outline permission would be subject to the following reserved matters and conditions:

10.3 **Time Limit** - The development hereby permitted shall be begun before the expiration of three years from the date of permission.

Reason: To comply with Sections 91 and 92 of the Town and County Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

10.4 **Reserved Matters** - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. Layout
- ii. Scale
- iii. Dwelling design
- iv. Access
- v. Landscaping
- vi. Tree removal/works/protection
- vii. Construction and environmental management

- viii. Drainage
- ix. Details of any excavation or alterations to site levels
- x. Archaeology
- xi. Sustainability
- xii. Affordable housing
- xiii. Flood risk
- xiv. Ecology / Biodiversity
- xv. Daylight/Sunlight

- b) The development shall be implemented strictly in accordance with the approved reserved matters.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing prior to commencement of development or tree works.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 10.5 **Approved Site Plan** - The development, hereby permitted, shall be carried out on the land specified in the Location Plan shown on drawing number: (04)0000.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 10.6 **Dwelling Design** - Reserved matters for dwelling design shall include plan, elevation and cross-section drawings including in relation to external ground levels, manufacturer's details of all fenestration and a full schedule of facing materials to be used in the construction of all external surfaces of the development, hereby approved.

Reason: To ensure a satisfactory appearance of the development.

- 10.7 **Drainage** - Reserved matters for drainage shall include a surface water drainage scheme and a maintenance and management plan covering the lifetime of the development, which should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system.

Prior to submission, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats.

- 10.8 **Construction and Environment Management** - Reserved matters for construction and environmental management shall include the submission of a Construction and Environmental Management Plan (CEMP), which shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;

- the loading and unloading of plant, materials and waste;
- the times of any deliveries related to the development, which should avoid peak travel times;
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of any security hoarding;
- the provision and utilisation of wheel washing facilities or any other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- dust and/or any pollutants;
- measures to manage flood risk during construction; and
- details of public engagement both prior to and during construction works.

Prior to submission of the CEMP, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

Reason: In the interests of highway safety and the amenities of the area.

- 10.9 **Arboriculture** - Reserved matters for trees shall include: an Arboricultural Impact Assessment, including details of all tree removal/works; a scheme for the protection of retained trees in accordance with BS 5837:2012; a Tree Protection Plan(s) (TPP); and an Arboricultural Method Statement (AMS). Specific issues to be dealt with in the TPP and AMS shall include:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the Root Protection Area (RPA) or that may impact on the retained trees.
- c) A full specification for the construction of all hard landscaped areas, including details of the no-dig specification and including relevant sections through them.
- d) Specification for protective fencing to safeguard retained trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- e) Specification for scaffolding and ground protection within tree protection zones.
- f) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- g) Reporting of inspection and supervision.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, pursuant to section 197 of the Town and Country Planning Act 1990.

- 10.10 **Access** - Reserved matters for access shall include, but not be limited to, swept path diagrams to demonstrate that vehicles can safely access, manoeuvre and egress the site in a forward gear.

Prior to submission of the details, the applicant shall first make contact with ESCC Highways to ensure their agreement with the submitted details.

Reason: In the interests of highway safety and the amenities of the area.

- 10.11 **Archaeology** - Reserved matter for archaeology shall include 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. The development, hereby permitted, shall not be occupied until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation.

Reason: To enable the recording of any items of historical or archaeological interest.

- 10.12 **Landscaping** - Reserved matters for landscaping shall include details of the treatment of all parts of the site not covered by buildings, including:
- a) a scaled plan showing all hard and soft landscaping, including vegetation to be retained and planting of trees and plants;
  - b) details of all hard surfaces;
  - c) all boundary treatments;
  - d) a schedule detailing sizes, species and numbers of all proposed trees/plants
  - e) sufficient specification to ensure successful establishment and survival of new planting.

Reason: To safeguard and enhance the character, amenity and biodiversity of the site.

## 11. **Appeal**

- 11.1 Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.

## 12. **Background Papers**

- 12.1 None.

**Report to:** Planning Committee  
**Date:** 23<sup>rd</sup> February 2021  
**Application No:** 190706  
**Location:** Land at Friday Street Farm, Stone Cross, East Sussex  
**Proposal:** Outline application (Matter for approval: Access) for proposed new access from Pennine Way to serve development of Land at Friday Street Farm, for up to 250 residential dwellings (35% affordable), with associated car parking, together with the introduction of new access point from Pennine Way, and creation of a network of roads, footways, and cycleways throughout the site; and the provision of 1.6ha of public open space, further children's play areas, allotments, sustainable urban drainage systems, and landscape buffers on the site.

Full proposal is being considered by Wealden District Council (Ref: WD/2020/1391/MAO)

**Applicant:** Wates Developments Limited  
**Ward:** Langney  
**Deadlines:** **Decision Due Date:** 9<sup>th</sup> December 2019  
**Neighbour Con. Expiry:** 29<sup>th</sup> November 2019

**Recommendation:** Grant outline planning permission subject to legal agreement covering the following issues and subject to the conditions listed below in the report:-

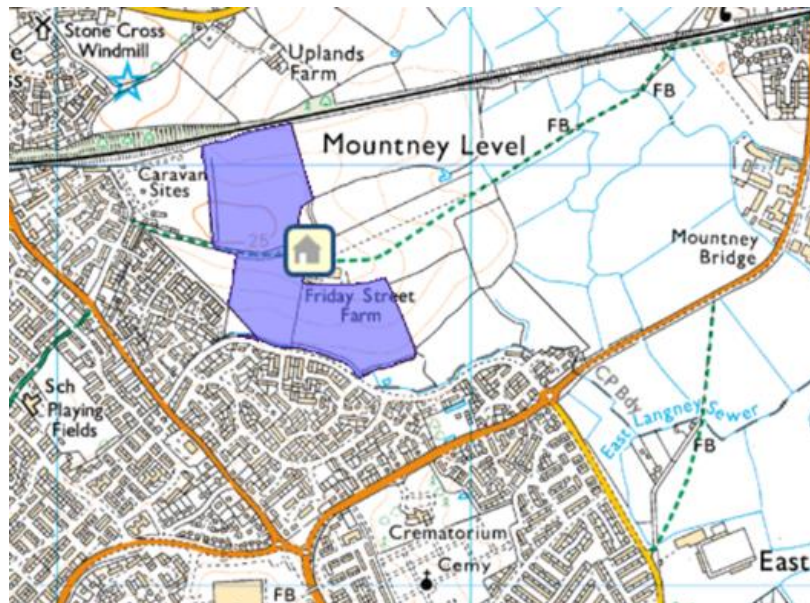
Heads of terms for the S106 Legal Agreement

- 1.1 Pennine Way Access, vision splays and other road safety mitigation to Pennine Way including traffic calming measures (as outlined and agreed by East Sussex County Council shall be implemented prior to the commencement of any development of the site.
- 1.2 Strategic Road EBC to be satisfied that these improvements are to be funded by either WDC CIL or the applicant and or financed by Government and to be completed in a reasonable timeframe.
- 1.3 Enforcement WDC & EBC to share enforcement responsibilities in the event of one of the milestones not being met.

- 1.4 Signatory EBC to be a signatory to the S106 in order to allow for the enforcement powers described above.
- 1.5 Public Transport Initiatives payments to be made to cover the provisions of new bus stops, real time bus information and to increase the frequency of the buses, travel plan and travel passes.

**Contact Officer:** Name: Anna Clare  
Post title: Specialist Advisor - Planning  
E-mail: [anna.clare@lewes-eastbourne.gov.uk](mailto:anna.clare@lewes-eastbourne.gov.uk)  
Telephone number: 01323 415000

**Map Location:**



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## 1. Executive Summary

- 1.1 Members will recall that this item was deferred from January's Planning Committee in order to allow for officer to garner greater understanding of the financing of the offsite highway works; this work has now concluded.
- 1.2 The applicants have confirmed that the Pennine Way highways works will be paid for by them and delivered prior to any commencement on the development site.
- 1.3 ESCC have confirmed that the Lion Hill junction works have been completed to their satisfaction and they have pledged to keep the capacity if this junction under review.

- 1.4 ESCC have outlined that the Golden Jubilee Way and Dittons Road junction form part of a £35m scheme for the A22 that looks at improvements to a number of junctions/roundabouts between Eastbourne and North Hailsham. These works are to be funded by Central Government and ESCC have stated that they have a high degree of confidence that these are will be delivered in the near future.
- 1.5 ESCC have confirmed that WDC CIL funding will contribute around 15% of these costs and WDC have confirmed that these monies are available and assigned to this infrastructure project.
- 1.6 WDC have confirmed that if the wider project monies do not materialise then they hold sufficient funds from CIL & S106 receipts to cover the works required by ESCC for Golden Jubilee roundabout/Dittons Road.
- 1.7 Given the above changes and new information it is considered that this application should now be supported and is recommended for approval.

## **2. Recommendation**

- 2.1 The recommendation is to grant planning permission subject to legal agreement covering the following issues and subject to the conditions listed below:-
  - Pennine Way Access, vision splays and other road safety mitigation to Pennine Way including traffic calming measures (as outlined and agreed by East Sussex County Council shall be implemented prior to the commencement of any development of the site.
  - Strategic Road EBC to be satisfied that these improvements are to be funded by either WDC CIL or the applicant and or financed by Government and to be completed in a reasonable timeframe.
  - Enforcement WDC & EBC to share enforcement responsibilities in the event of one of the milestones not being met
  - Signatory EBC to be a signatory to the S106 in order to allow for the enforcement powers described above.
  - Public Transport Initiatives payments to be made to cover the provisions of new bus stops, real time bus information and to increase the frequency of the buses, travel plan and travel passes.

## **3. Recommended Conditions**

- 3.1 **Time Limit** - The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.

**3.2 Reserved Matters -**

- a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- i. layout.
  - ii. scale.
  - iii. appearance; and
  - iv. landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

**3.3 Approved Plans -** The development hereby permitted shall be carried out in accordance with the approved drawings:-

C85278-SK-003 G  
C85278-SK-004 F  
C85278-SK-005 H  
C85278-SK-006 G  
Aboricultural Impact Assessment - 9162\_AIA.001 Rev C Dated September 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

**3.4 Pennine Way Access Details -** The new access and associated works to Pennine Way shown on Drawing C85278-SK-003 G, C85278-SK-004 F, C85278-SK-005 H and C85278-SK-006 Revision G shall be in the position shown on the approved plans and laid out and constructed in accordance with details agreed by the Local Planning Authority. The agreed measures shall be implemented prior to the commencement of any part of the development site approved under the Wealden District Council Scheme Ref: WD/2020/1391/MAO.

Reason: To provide visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development

**3.5 Pennine Way Highway Mitigation -** The access hereby granted shall not be used for accessing any part of the residential development site until visibility splays of 2.4m by 55m are provided in both directions and maintained thereafter and that the wider road safety measures in Pennine Way are implemented in full.



Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

3.6 **Construction Management Plan** - No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

3.7 **Detail drawings of highway junction** - Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, 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

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

3.8 **Working Hours** - That no demolition, site clearance or building operations shall take place except between the hours of 8:00 a.m. and 6:00 p.m. on Mondays to Fridays and 8:00 a.m. and 1:00 p.m. on Saturdays and that no works in connection with the development shall take place on Sundays or Bank Holidays unless previously agreed in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenities of nearby residents/occupiers and in the interest of maintaining the character of the wider area.

3.9 **Retained Trees** - All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage because of works on the site, to the satisfaction of the Local Planning Authority. This should be in accordance with its Supplementary Planning Guidance and relevant British Standards (BS 5837:2012) for the duration of the works on site. If trees become damaged or otherwise defective within five years following the contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

3.10. **Works within root spread** - The soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.

Reason: To avoid damage to health of existing trees and hedgerows.