

PLANNING, DESIGN & ACCESS
STATEMENT

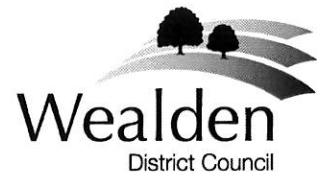
APPENDIX A



Town and Country Planning Act 1990

Notice of Decision

Application No. **WD/2018/0089/O**



MJB Architecture Ltd
Oakhurst Studio
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TN21 0LJ

Council Offices
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East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF REPLACEMENT RESIDENTIAL DEVELOPMENT.

HADLOW DOWN VILLAGE HALL, HALL LANE, HADLOW DOWN, TN22 4HJ

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS OUTLINE PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, the means of access thereto and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

REASON: To meet the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. STD2

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and

(b) the development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall not be commenced until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Ashdown Forest Special Area of Conservation and Special Protection Area, together with an appropriate mechanism to secure delivery of the mitigation. ADF1

REASON: The development lies in a zone of influence of the Ashdown Forest where it is considered there would be a likely significant effect, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to provide sufficient mitigation for any recreational impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 61 of the Conservation of Habitats and Species Regulations 2010, the amended version of policy WCS12 of the Core Strategy Local Plan (following the upheld Judicial Review Case No: C1/2014/1148, heard 11 June 2015), together with the requirements of saved policies EN7 and EN15 of the Wealden Local Plan. With regard to regulation 35 of the Development Management Order 2015, it is essential in the interests of biodiversity that the condition adopts the pre commencement format to protect the European Sites.

NOTE: The residential development is of a scale and nature to warrant a contribution towards the provision of recreational mitigation, which the local planning authority considers can be satisfactorily achieved by means of a contribution towards the formation of new greenspace (SANG) and improved management within the designated European sites (SAMMS). It is confirmed that such an approach to mitigation is outlined by the Council's guidance document (upload dated 22 July 2015) which can be found on the Planning and Building Control website at www.wealden.gov.uk. In this instance, such a contribution in accordance with the above policies and guidance would amount to £6,170 per dwelling. The Applicants should contact the Council's Planning Department to arrange payment of the contribution on 01892 602010.

5. No site clearance, demolition or development hereby approved shall commence until the results of a further survey of the existing buildings for the presence of absence of bats has been first submitted to and approved in writing by the Local Planning Authority. The further survey work shall be submitted to the local planning authority with appropriate mitigation measures relating to any findings from the survey work. The report shall detail the timing and implementation measures for the identified mitigation measures (potentially based on the findings set out in the Ash Partnership Ecological Survey dated February 2018); all as previously approved by the local Planning authority in writing. All subsequent mitigation works shall thereafter be implemented in accordance with the schedule provided with the additional survey work and findings, and in any event before the first occupation of any of the dwellings.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013 and paragraphs 109, 117 and 118 of the National Planning Policy Framework 2012.

NOTE: The applicant is advised that in the event that the further survey should establish the presence of bats, any site clearance, demolition or development should not commence until advice has been sought from Natural England in respect of any requirements for a Bat Mitigation Licence.

6. Prior to preparation of the site for the development hereby approved, details of existing and proposed site levels and finished floor levels to demonstrate that the ridge height of each the dwellings hereby approved shall not exceed 8.5m above ground level shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17, 56, 57, 59, 60 and 64 of the National Planning Policy Framework 2012.

7. Details of refuse and recycling storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the residential development. The refuse storage facilities shall be provided in accordance with the approved details prior to occupation and shall thereafter be retained as such for the duration of the permitted use. RR02

REASON: To preserve the residential and visual amenities of the locality, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012.

NOTE: The applicant is advised that provision should be made for the storage of 3 x 240 litre wheeled bins and a recycling container for each dwelling. Further information is available at:

http://www.wealden.gov.uk/Wealden/Residents/Recycling_and_Waste/Res_RecyclingWaste.aspx

8. Before erection of any of the dwellings hereby approved, samples of materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development. MA04

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17, 56, 57, 59, 60 and 64 of the National Planning Policy Framework 2012.

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

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

REASON: To protect visual and residential amenities and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012.

10. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, types, forms and proposed

numbers/densities, mostly comprising native species; an implementation programme; and a timescale. All of this shall be agreed in writing by the Local Planning Authority and thereafter so implemented. LA02

REASON: To protect visual and residential amenities and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012.

11. The site clearance, demolition development hereby approved shall be undertaken in accordance with the recommendations set out in the Ash Partnership's Bat Appraisal Report (February 2018) unless superseded by approval from the local planning authority of the additional survey work the subject of condition 5.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013 and paragraphs 109, 117 and 118 of the National Planning Policy Framework 2012.

12. None of the dwellings hereby approved shall be occupied until cycle parking/storage facilities have been provided on the site in accordance with details which shall first have been submitted to and approved in writing by the Planning Authority and the cycle parking/storage shall thereafter be retained for that use.

REASON: To ensure the safety of persons and vehicles using the access and/or proceeding along the highway, having regard to saved Policies TR3 & TR16 of the adopted Wealden Local Plan 1998, Policy SPO12 of the adopted Wealden Core Strategy Local Plan 2013 and paragraph 32 of the National Planning Policy Framework.

13. No dwelling shall be occupied until space has been laid out within the site for at least 6 cars to be parked and thereafter retained to the satisfaction of the Local Planning Authority. PC01

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 29, 30 and 34 of the National Planning Policy Framework 2012.

14. No development approved by this permission shall be commenced until full details, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility shall be submitted to and been approved by the Local Planning Authority in writing; the implementation of such details as approved shall be subject to soil/porosity tests for all soakaways, as deemed necessary by the Local Planning Authority, and the development shall not be occupied or used until written confirmation has been received from the Local Planning Authority confirming approval of both the porosity tests and the completed surface water drainage measures. The rate of run-off to any watercourse shall be limited to the rate of run-off from the developed site to that prior to development and the scheme designed to attenuate the 1:100 year storm plus 45 % DS04(M)

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 103 and 109 of the National Planning Policy Framework 2012.

NOTE: Infiltration rates for soakaways to be based on permeability tests undertaken over the winter period and not those done during the drier months.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-F inclusive of that Order, shall be erected or undertaken on the site. PD01

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 17 and 56 of the National Planning Policy Framework 2012.

16. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.
0817/PE1 Rev A	STN4 15 March 2018
2817/PE2 Rev A	15 March 2018
0817/PE3 Rev A	15 March 2018
Bat Appraisal Report (July 2016)	5 July 2016

REASON: For the avoidance of doubt.

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

NOTE 1: The applicant is advised that this development is liable for a Community Infrastructure Levy (CIL) charge. There is further information on this matter on the WDC website:

http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/CommunityInfrastructureLevy

The SANGS and/or SAMMS payment sought by condition 4 on this decision notice could be secured within this CIL charge. However, in the event that a subsequent application for exemption or relief from the CIL payment was successful then the SANGS and/or SAMMS payment would be payable through the condition discharge process.

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

NOTE 3: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting

birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

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

NOTE 5: This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third party rights which may exist over the application site or access to it over private land.

Compliance with the Building Regulations will be required and before commencing works, it is recommended that discussions take place with the Building Control section of this Council. Where a building regulations approval is obtained and this is different from your planning permission, you should discuss this matter with the Development Management section of the Council.

In addition, the applicant is also advised that any works affecting party walls or involving excavations for foundations adjacent to a party will be required to serve notice on all adjoining owners before work commences. You are advised to contact the services of a private surveyor to act on your behalf in any formal private procedures and agreements that are now required by the Party Wall Act 1996. STN14

NOTE 6: The permission hereby granted does not relate to the illustrative drawing no. 0817/PE3. Without prejudice to any further submissions here, the applicant is advised that vehicle egress would need to be satisfactorily addressed (including turning points for refuse and emergency vehicles) in the final layout.

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the '[Approval of Details Reserved by Condition' Form](#) which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 1 May 2018



Kelvin Williams
Head of Planning & Environmental Services

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.planningportal.gov.uk/pcs

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.