

For: Planning Committee South
Date: 30 January 2020

WD/2018/1271/F - LAND ADJACENT TO REEF WAY, HAILSHAM

Summary of Proposal

Full application for:-

CONSTRUCTION OF 6 NO. DWELLINGS COMPRISING 4 NO. DETACHED AND 2 NO. SEMI-DETACHED DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING

Received date: 30 August 2018
8/13 week date: 25 October 2018

Parish: Hailsham
Ward: Hailsham Central
Grid Ref: 559082 110027

Link to website:

<http://planning.wealden.gov.uk/plandisp.aspx?recno=142639>

Recommendation

Subject to:

- (1) No new material planning considerations being raised from the reconsultation of the 7th January 2020 which expires on the 21 January 2020 regarding the status of the Submission Wealden Local Plan
- (2) Submission of amended elevations to provide for deep overhangs/berge boards/soffits; and
- (3) Submission of amended drainage strategy to include 40% allowance for climate change and pollution indices for surface water drainage system and no objection from ESCC LLFA regarding the surface water drainage strategy and no objection from Natural England regarding impact on water quality of Pevensey Levels

Full planning permission BE GRANTED, subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No works below ground level shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. AR01

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2019.

3. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including

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provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2 to the satisfaction of the Local Planning Authority, in consultation with the County Archaeologist.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2019.

4. Prior to works below ground level taking place, a Phase 2 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 shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. CL01

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

5. Prior to works below ground level taking place, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. CL02

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

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6. The approved remediation scheme must be carried out in accordance with its terms prior to undertaking any works below ground level, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. CL03

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 6. CL04

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 170 of the National Planning Policy Framework 2019.

8. The mitigation measures and enhancement proposals for wildlife and protected species shall be implemented in accordance with the recommendations set out in the Ecology Partnership Dormouse Survey Report date stamped 18 February 2019, Reptile Presence/Likely Absence Surveys Report date stamped 30 August 2018 and the Preliminary Ecological Appraisal date stamped 30 August 2018. NC08

REASON: To provide the necessary mitigation for those species 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, coupled with the requirements of paragraphs 170 and 175 of the National Planning Policy Framework 2019.

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9. Before preparation of any groundworks and foundations on site for 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 amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2019.

10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the development hereby permitted and the landscape management shall be carried out in accordance with the approved plan over the period specified. LA09 (M)

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 127 and 170 of the National Planning Policy Framework 2018.

11. Before construction above ground level, samples of materials, which shall avoid the use of grey brickwork, to be used on the external surfaces of the development shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development.

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 paragraph 127 of the National Planning Policy Framework 2019.

12. Before preparation of any groundworks or foundations for the development hereby approved, a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority. During construction all works shall be carried out in accordance with the approved scheme.

NOTE: 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.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 178, 180 and 182 of the National Planning Policy Framework 2019.

13. During the construction phase, no works arising from the use of machinery, vehicles, including delivery vehicles, or power tools shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays, Public or Bank Holidays.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 178, 180 and 182 of the National Planning Policy Framework 2019.

14. No work below ground level shall be carried out on site for the development hereby approved, until details of the proposals for parking all vehicles associated with the construction works, including employees' private cars within the contractor's compound, clear of the highway shall be submitted to and approved in writing by the Local Planning Authority. Parking shall be provided in accordance with the approved details during the construction of the development. C05 (M)

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

15. Before preparation of ground levels for the development hereby approved commences, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02 (M)

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REASON: To protect water quality and 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 163 of the National Planning Policy Framework 2019.

16. No works below ground shall take place until details of the surface water drainage scheme, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the development. Photographic evidence shall be provided to demonstrate that the scheme has been implemented in accordance with the approved details.

The surface water drainage scheme shall also include details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains). The submitted details should specify the responsibilities of each party for the implementation of the SUDS scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development which should include arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its life time. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified. DS02

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 163 of the National Planning Policy Framework 2019.

17. Before preparation of ground levels for the development hereby approved, details setting out the methodology and timetable for the on-going surveying and monitoring of the condition of Reef Way and the immediate highway network to demonstrate the condition of the roads prior to the commencement of works, during construction works and following completion of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Should the Local Planning Authority consider, in consultation with the Local Highway Authority, that remedial measures are necessary as a result of considering the final monitoring report, they shall give written notice to the developers. Within one month of receiving such written notice from the Local Planning Authority, the developers shall submit a scheme of construction works for the necessary improvements to meet the Local Highways Authority's reasonable requirements and a programme for the implementation of the improvements shall be submitted and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details and programme of works to the satisfaction of the Local Highway Authority.

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REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

18. The car parking spaces and turning area shown the approved plans shall be provided before first occupation of the development, and thereafter shall be retained for such purposes to the satisfaction of the Local Planning Authority. PC09

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 104 and 110 of the National Planning Policy Framework 2019.

19. Cycle storage shall be provided in accordance with East Sussex County Council's adopted standards before the first occupation of the relevant part of the development to which they relate and retained thereafter. PC03

REASON: To provide for alternative modes of transport, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR11 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 104 and 110 of the National Planning Policy Framework 2019.

20. Sight lines/a visibility splay of 2.4 by 43m shall be provided on each side of the access, within which there shall be no obstruction to visibility above a height of 0.6m above each carriageway level. No gates, fences or walls shall be constructed within the sight lines / visibility splay. HW16

REASON: In order to provide visibility for vehicles entering and leaving the site In the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 109 and 110 of the National Planning Policy Framework 2019.

21. No trees and/or hedgerows on the site, unless approved by this permission, dead or dangerous, shall be felled, topped, lopped 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:-
- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

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- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv). 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.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) 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'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 3, Section 6.

22. 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, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN29 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 180 of the National Planning Policy Framework 2019.

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

Ref.	Date Stamped.	STN4
Location Plan Dwg 1358-100 Rev A	29 August 2018	
Existing Site Layout Dwg 1358-102 Rev A	29 August 2018	
Proposed Site Layout Dwg 1358-110 Rev M	10 October 2018	
Proposed Floor Plans Dwg 1358-200 Rev O	29 August 2018	
Proposed Roof Plan Dwg 1358-201 Rev B	29 August 2018	
Proposed Elevations Dwg 1358-300 Rev D	29 August 2018	
Proposed Visual looking towards main entrance Dwg 1358-301 Rev A	29 August 2018	
Existing and Proposed Site Sections Dwg 1358-400	29 August 2018	
Layout showing proposed soft landscape general arrangements Dwg 1490-01 Rev D	29 August 2018	
Layout showing proposed soft landscaping planning		

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details Dwg 1490-02 Rev D	29 August 2018
Statement of Community Involvement	29 August 2018
Phase 1 Geo-Environmental Desk Study Report Ref 10/1109/001	29 August 2018
Extended Phase 1 Habitat Survey Rev A	29 August 2018
Dormouse and Reptile Phase 2 Survey Report and Mitigation Plan Rev A	29 August 2018
Planning Statement	29 August 2018
Design and Access Statement Rev D	29 August 2018
Stage 2 Energy Statement Ref PA1239 Rev P2	29 August 2018
Flood Risk and Sustainable Drainage Assessment 8/1663 Rev A	29 August 2018
Heritage Statement and HER Report	29 August 2018
Arboricultural Survey and AIA Rev D	29 August 2018
Transport Statement Ref 20067/1663 Rev B	29 August 2018

REASON: For the avoidance of doubt.

The local planning authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at www.planning.wealden.gov.uk

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

NOTE 1: 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 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 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

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numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 4: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads. STN13

Reason for Referral

This application is being referred to this Committee as determination falls outside the scheme of delegation.

Executive Summary

This is an application for six dwellings comprising four detached and two semi-detached dwellings with associated car parking and landscaping.

It is considered that the proposed dwellings are acceptable with regard location and design - subject to minor amendments relating to the overhangs/bargeboards/soffits set out in the recommendation and approval of appropriate materials (not the grey brick currently indicated) and as set out in the main body of the report, no major issues arise. There is one technical matter outstanding regarding a drainage strategy and additional information on pollution indices to enable the Council to consult Natural England Subject to this additional information being submitted and no objection from Natural England, it is recommended that FULL planning permission is granted subject to conditions.

1. Statutory Bodies and Residents - Responses

Comments summarised below. Full details can be viewed on the Council's web site under the application reference

Highway Authority

OBJECTION due to insufficient information

It is not possible to fully support this application without further details relating to driver visibility and parking provision.

This application seek full planning consent for 6 dwellings each with 4 bedrooms, and attached garage and forecourt area for a minimum of 2 spaces.

No dimensions or measurements are provided to support the driveway access points of each plot. The road is yet unadopted and when adopted is assumed to have a speed limit of 30 mph. As such sightlines of 2.4m x 43m will be required and given the alignment of Reef way in this location, the sightlines should be over land either dedicated as highway or within plot owners' control.

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This will need to be shown on a plan to ensure that the proposed landscaping does not obstruct the driver sightlines.

With regard to parking, the planning case office should ensure that the garage space is a minimum of 7m x 3m to ensure that it is large enough for a vehicle and 2 cycles.

The 2 open parking spaces plus a garage (0.3 of a space, provided it is of adequate size) is considered to be an appropriate level of parking for this proposal. Plot 6 can accommodate more on plot parking as it is set back.

This proposal intends to fill in the headroom in trip terms of the former consented scheme which has been superseded by alternative development. It would appear that Wealden Planning department have accepted that 6 dwellings can be accommodated at this site based on the former approved trips.

As such, only the technical requirements of the site are being considered.

The applicant will need to provide details as requested relating to garage dimensions and driver sightlines/landscaping so that this proposal can be considered further.

County Archaeologist

Recommend for approval in principle subject to the imposition of conditions.

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

Hailsham Town Council - OBJECT

- i) In 2010 Persimmon signed a legal agreement stating they would provide a children's playground on the adjacent development; of which residents are paying management fees towards. The children's playground has still not been provided, therefore permission should not be given to begin a new development when the first has not been completed.
- ii) The dwellings are out of keeping with the surrounding development and should be altered to fit in with neighbouring properties. The application is therefore contrary to policy EN27 of the Wealden Local Plan 1998 and contrary to chapter 7 paragraph 56 of the National Planning Policy Framework
- iii) The issue of overlooking needs to be considered due to the lie of the land

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Response to Town Council

- *The children's play area has been completed following enforcement action;*
- *Subject to the appropriate use of materials, which should not include grey brick, it is considered the design is acceptable and whilst contemporary in approach clearly draws on traditional massing in the area.*
- *There is sufficient distance between this site and the existing properties on Battle Crescent to avoid issues of overlooking. Regards should be given to the previous resolution to approved development on this site.*

Other third party responses (including local residents)

14 letters of objections have been submitted which are summarised below. Full details can be viewed on the Council's web site under the application reference.

- Sizes of buildings suitable but style of house is not in keeping with local properties of the estate. Neighbouring houses are town house style with tile hung or weather boarding. Materials not in keeping with rest of development
- Application states 3 car parking spaces are provide but one of these is a garage which is not large enough.
- Increase traffic and increased issues of highway safety – more disruption and accidents. As a result of traffic calming, road is already dangerous when cars meet each other
- Loss of meadowland /green space and impact on local wildlife.
- Existing development has not been completed, road has not been adopted, drainage system is inadequate and play areas are completed to a satisfactory state.
- Noise and dust and impacts from construction
- Inadequate sewage system which requires regular emptying by sewage trucks
- Road not appropriate for increase in traffic and drainage
- Area is currently used by residents for dog walking – loss of amenity and landscape setting and is used by children for informal play
- Will increase parking congestion on development.
- Inadequate parking across the existing development
- Traffic movements unrealistic
- Overshadowing, overlooking and loss of privacy to existing properties on Reef Way
- Houses should be no more than two or three storeys in height
- Inadequate ecological assessment – only desktop study.
- Inaccurate information regarding badgers use of site
- Issue of natural soakaways for Battle Crescent.
- Reef Way is not suitable for the level of traffic proposed
- Houses are being proposed on land which was to form the entrance to the new school

2. Other Relevant Responses/Issues

Waste Management

NO OBJECTION

Each dwelling has been provided with a suitable bin storage area that has level access to the road.

Residents will be required to move the bins from the storage area, to the edge of the property on the scheduled collection day.

WDC Housing

COMMENTS

The development falls below the threshold for affordable housing. It is noted that all of the 6 proposed properties are four bedroom houses. This mix is contrary to the emerging local plan to increase the Local Plan's targets to increase the number of one and two bed properties

Pre-Application Matters

Pre-application meeting was held with regard to the proposed six houses on this site.

3. Relevant Planning History

Application No.	Description	Decision & Date
WD/2006/6502/SO	Screening Opinion: Proposed residential development, community facilities and open space.	Objection 25 May 2006
WD/2007/6500/SCO	Request for Scoping Opinion for development of the site to accommodate 250 homes with a mixture of house types, a health centre and a library.	Refused 15 May 2007
WD/2007/2856/MAO	Outline proposals for the erection of a mixed use development comprising sixth form college, library, surgery, public open space and 250 dwellings (comprising 40 sheltered, 75 affordable and 135 open market houses) with associated access, landscaping and parking.	Withdrawn 11 December 2007
WD/2009/2705/MEA	The erection of a mixed use development comprising up to 170 dwellings, 55 Extra Care units, an education establishment up to 4,000sqm office floorspace, health centre and either a library or alternative provision for another community or recreational use such as a skate park, and open space with associated highways and landscaping.	Approved 30 June 2010
WD/2010/2067/MRM	Main Access Road.	Approved 20 December 2010

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Application No.	Description	Decision & Date
WD/2011/0458/MRM	Approval of reserved matters for the layout, scale and appearance of the buildings and landscaping Phase 2 & 3 for 112 dwellings following outline permission WD/2009/2705/MEA.	Approved 24 August 2011
WD/2012/0148/MRM	Approval of reserved matters (appearance, landscaping, layout and scale) for the extra care building and the supported housing building following outline approval WD/2009/2705/MEA.	Approved 27 April 2012
WD/2012/1614/MAJ	Erection of 14 No dwellings together with access, associated garaging/parking and landscaping.	Withdrawn 14 July 2017
WD/2013/2249/F	Layout adjustment to position of plot 64 including removal of link garage and provision of parking spaces on driveway. Plot 63 – garage amended to single detached design. Plots 80-85 and 88-89 – Minor adjustment to Plot positions and associated PA.	Approved 10 January 2014
WD/2014/2544/MRM	Approval of reserved matters for the layout, scale and appearance of the buildings and landscaping at Land north of Marshfoot Road, Phase 4 for 37 dwellings following outline permission WD/2009/2705.	Approved 10 March 2015
WD/2017/1178/PO	Modification of Section 106 Agreement attached to application WD/2009/2705/MEA dated 30 June 2010 – deletion of Schedule 12.	Approved 12 October 2017
WD/2018/1806/MAJ	Erection of a part two, part three storey medical centre incorporating a retail pharmacy with associated parking and landscaping.	Approved 16 November 2018

4. Details of Case

The Application Site



The site comprises an areas of semi-improved grassland and areas of dense bramble scrub.

The Development Proposals

The development is for the construction of six houses four of which are, four detached and two semi-detached with associated car parking and landscaping.

Policy Framework

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed

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by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 2 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under 'saved' policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some 'saved' policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 211 of the NPPF).

Relevant Policies

The National Planning Policy Framework (NPPF) February 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 7, 8, 9, 10, 11, 12, 38, 47, 54, 55, 59, 73, 91, 109, 110, 124, 127, 130, 150, 163, 165, 170, 177, 180, 189, 212 and 213.

Transitional provisions of the NPPF confirm that policies within the adopted Wealden Local Plan 1998 saved under the Planning and Compulsory Purchase Act 2004 continues to form part of the Local Plan.

- Saved Policies GD2, EN1, EN8, EN14, EN27, EN29, DC17, HG6, TR3, TR16, LR1, LR5 and CS2 of the adopted Wealden Local Plan 1998.
- Policies WCS7, WCS12, WCS13, WCS14 and Spatial Planning Objectives SPO1, SPO9, SPO10 and SPO13 of the Wealden District Council

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(incorporating part of the South Downs National Park) Core Strategy Local Plan 2013.

- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016.

Housing Land Supply

Paragraph 73 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 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 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year and where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

As set out in the Authority Monitoring Report December 2019, the Council can currently demonstrate 3.67 years supply of housing land.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. With regard to the application site, the special emphasis in the presumption in favour of granting planning permission in such circumstances (Paragraph 11) does not automatically apply because of Footnote 6 and the application of policies in the Framework under Paragraphs 175 and 177.

However, with a positively concluded Appropriate Assessment (see main body of report) the presumption in favour is engaged.

Even if that is wrong, or the competent authority for the Appropriate Assessment reaches a negative conclusion (disengaging the presumption in paragraph 11 of the NPPF), there can be no doubt that the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.

Principle of Development

The application site is located outside of the development boundary for Hailsham as designated within the saved Wealden Local Plan 1998. However, the land was 'allocated' under the now defunct Non-Statutory Wealden Local Plan 2005 for "community and residential purposes". It was for this reason that outline planning permission was granted on 30 June 2010, for the development of up to 170 dwellings, the provision of 45 extra care units and 10 self-contained supported

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accommodation for people with learning difficulties, an educational facility providing up to 5,000 sq.m of floorspace, a health centre, a 0.2 hectare site for either a library or other community or recreational use, 3.2 hectares of public open space, and 4,000 sqm of office floorspace, associated parking and landscaping under application reference WD/2009/2705. The Masterplan for the consented outline scheme is shown below.



Whilst it is noted that under the outline planning permission the part of the site that forms the current application site is shown as open space, regard should be given to the fact that houses had previously been proposed in this location (albeit part of a larger site) with a resolution to approve under application WD/2012/1614/MAJ. Whilst the application was subsequently withdrawn (as the land owner to the rear of the current application site did not complete the legal agreement), the resolution to approve demonstrates that the principle of houses on this part of the site has been previously accepted.



Scheme previously with resolution to approve

Objections that the houses are being proposed on land which was to form the entrance to the new school are incorrect. The development does not encroach into the area proposed for the new school entrance.

Layout and Building Design

The layout follows the road alignment reflecting the building line of the houses constructed to the north of the site as part of the Burfield Valley development.

The buildings proposed are split level to address the issues of the steeply sloping site. It is considered the design is acceptable subject to minor amendments relating to the provision of overhangs/bargeboards/soffits and whilst contemporary in approach clearly draws on traditional massing in the area.

Proposed materials comprise grey mixed brick, brick detail panels in Flemish bond with projecting heads, slate roof and dark grey window frames, front and garage doors, dark grey aluminium rainwater goods and GRC cladding panels. The proposed use of grey brick is not considered acceptable having regard to the context of the existing development but also with regard to the traditional materials prevalent in the locality. This however can be addressed through the submission of samples which has been conditioned.

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There is sufficient separation distance from the properties on Battle Crescent to ensure that the properties not overlooked to the rear and the elevations fronting Reef Way overlook open space so again no impact on the existing houses.

Garden sizes exceed the Council's minimum requirements as set out in the Wealden Design Guide.

Garages are 3.2 metres wide and 6m long which accords with guidance for garages without cycle parking. ESCC Highways have requested the garages are 7m long which is if the garage is to accommodate cycles. Separate cycle storage can be provided and has been conditioned



Affordable Housing

It is noted that WDC Housing Service consider the application falls below the thresholds requiring affordable housing provision. The application however needs to be considered as part of the overall major development.

The outline planning permission included the provision of 55 Extra Care Units. The 55 units of specialist form of affordable housing (equating to 3454 square metres plus additional communal space of 2366 square metres giving a total built form of 5820 square metres) was in lieu of 67 general needs affordable housing (equating to approximately 5137 square metres of built form) was considered acceptable, equating to the provision of 30% affordable housing in accordance with Council policy. The approved scheme there provided 683sqm more floorspace on the extra care units than would normally have been required if

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general needs affordable housing had been provided, which on a pro-rata basis equates to an equivalent additional 8 general needs affordable housing.

Having regard to the principles already established on this site that the extra care units were used to offset the affordable housing requirement, it is reasonable to off-set the 2 units that would normally be required for this application against the "8 units" equivalent of the additional extra care floorspace already provided and therefore the applicant has already met the affordable housing provision obligation.

Traffic Impact and Access

Objectors have referred to Reef Way being a private road and it is also noted that the Highways response refers to the fact that the road is not adopted. For the avoidance of doubt, ESCC previously confirmed when the Medical Centre was being considered in 2018, that Reef Way was an adopted road. Furthermore the objections claiming that Reef Way is not appropriate for additional development ignores the fact this was the main arterial road into the development intended to serve the residential development, the extra care facility, the 4000sqm office space, the medical centre and the community facility (previously indicated as a library).

ESCC Highways have objected on the ground of insufficient information and requested that details of visibility splays are required. It is noted that on the previous application for development in generally the same location, that ESCC Highways raised no objection and commented as follows: *"The spine road has been designed to achieve vehicle speeds of 20mph therefore visibility splays of 2.4m by 25m in both directions should be achieved at the access road. Similar visibility splays should be achieved at the private accesses onto the spine road."* The current consultation response requests the provision of 2.3m by 43m visibility splays. The applicant has been asked to submit drawings to address this. Notwithstanding this a condition has been recommended that requires the provision of these visibility splays.

Tree and Landscaping Proposals

With the exception of a Category U sycamore tree (T6) to be removed along the south eastern boundary, and a small section of Hedgerow H3 to facilitate the regarding of the site levels.to the south of Plot 6, the existing trees and hedgerows are to be retained.

Ecology

Objectors have raised concerns that no dormouse surveys have been undertaken – this is incorrect. Following completion of a Preliminary Ecological Appraisal in February 2018, a further presence/likely absence survey for dormice was undertaken in May 2018. Suitable habitat for dormice was present within the hedgerow and tree-line habitats. A total of 87 dormice nest tubes were deployed across the entire Battle Road site along the hedgerows on field margins within the redline boundary of the site as well as along connecting hedgerows in

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accordance with Natural England guidelines and surveys carried out on a monthly basis between July and November 2018.



Figure 2: Approximate location of dormouse nest tubes

Whilst initial presence/absence dormouse surveys of the wider application site in 2007 and subsequent monitoring surveys in 2013 identified a peak count of one dormouse in each survey year, further monitoring surveys completed in 2015 and presence/likely absence surveys in 2018 found no evidence of dormice across the wider site. The surveys completed in 2018 did not identify dormice and/or evidence of dormice such as nests within the site.

The survey concludes that no further mitigation measures or an EPSM are recommended for any additional proposed phases of work. It refers to the enhancement measures for dormice that were included in the wider scheme as part of the EPS licence agreement and recommends additional enhancement and management measures. A condition has been recommended to ensure these mitigation measures are secured.

Surveys undertaken in July and August of 2018 indicated a low population of slow worms and common lizards on site. The development will require the translocation to the receptor site to the south of the main development which will be subject to enhancements.

Flood Risk and Drainage

The drainage strategy will need to address the issue of water quality. Given the high sensitivity of the receiving water it is important to be certain that the surface

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water drainage system proposed is capable of treating the surface water run-off to a high enough standard. Further detail is required on how the surface water drainage strategy will address the specific pollutant risk from this development.

Natural England suggests using the methodology set out in the CIRIA SuDS Manual (2015) to devise the SuDS. Reference should be made to the index approach set out in Chapter 26, section 26.7.1, which describes how the pollution hazard index should be defined for the development type, and then compared against the mitigation index. To deliver adequate treatment, the selected SuDS components should have a total pollution mitigation index (for each contaminant type) that equals or exceeds the pollution hazard index (for each contaminant type). If the information is set out in this way, it would make it clear that the SuDS components chosen are appropriate, and sufficient, to address the pollutants arising from the development. The applicant has been asked to provide this information, which will then be subject to consultation with Natural England.

Whilst the drainage strategy as submitted to date is unacceptable and does not accord with the requirement to allow for a 40% climate change – it is possible to provide an acceptable drainage strategy. This can be addressed through the discharge of a surface water drainage condition which has been recommended. In the event that the applicant is unable to provide an acceptable surface water drainage solution that ensures no risk of flooding or impact on water quality on discharges into the levels then the development would not be able to be implemented.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP and Regulation 123 List, in particular demands placed on education]

Habitat Regulations Assessment

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

Assessment of likely significant effects on the SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA

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can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. However, evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it. The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Assessment of likely significant effects on the SAC

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway to the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

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The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of failed duty to cooperate. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites.

Water Quality and Quantity Mitigation Measures on Pevensey Levels

With regards to the potential effects via surface water drainage pathways from new development within or in close proximity to the Pevensey Levels, sites coming forward shall need to demonstrate that a suitable Surface Water Drainage Strategy is implemented to control the quality and volume of surface water run-off to a level to avoid an adverse effect on the integrity of the Pevensey Levels SAC and Ramsar site.

The applicant will be required to attenuate surface water flows to maintain the greenfield run-off rate plus allowances for climate change and urban creep. With regard to water quality issues and given the high sensitivity of the receiving water it is important to be certain that the SuDS proposed is capable of treating the surface water run-off to a high enough standard. The applicants have been asked to follow the methodology set out in the CIRIA SuDS Manual (2015) to assess the SuDS strategy and elements comprised within. Provided the applicant can demonstrate that the selected SuDS components will have a total pollution mitigation index (for each contaminant type) that equals or exceeds the pollution hazard index (for each contaminant type) then the drainage scheme will have demonstrated that it is appropriate, and sufficient, to address the pollutants arising from the development and therefore there will be no detrimental impact on The Levels. This information once received will form the basis of consultation with Natural England along with an updated HRA.

During construction the development will be subject to a range of protective measures to ensure that pollutants and silt are not allowed to reach any local watercourses. A condition requiring the submission of a Construction

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Environment Management Plan and will be required to follow industry best practice with pollution and sedimentation control measures.

In order to be certain that adverse effects on the SAC/Ramsar are avoided, the long term operation and management of SUDs features, shall be managed in perpetuity in line with the requirements set out within the SUDs Manual (CIRA 2015) and shall be undertaken in accordance with the details set out in the Drainage Strategy. Details of the management and maintenance plan and in perpetuity provision have been secured by way of planning condition

The implementation of surface water drainage design and control measures is integral to the scheme proposals the details of which will be secured through discharge of conditions.

5. Conclusion

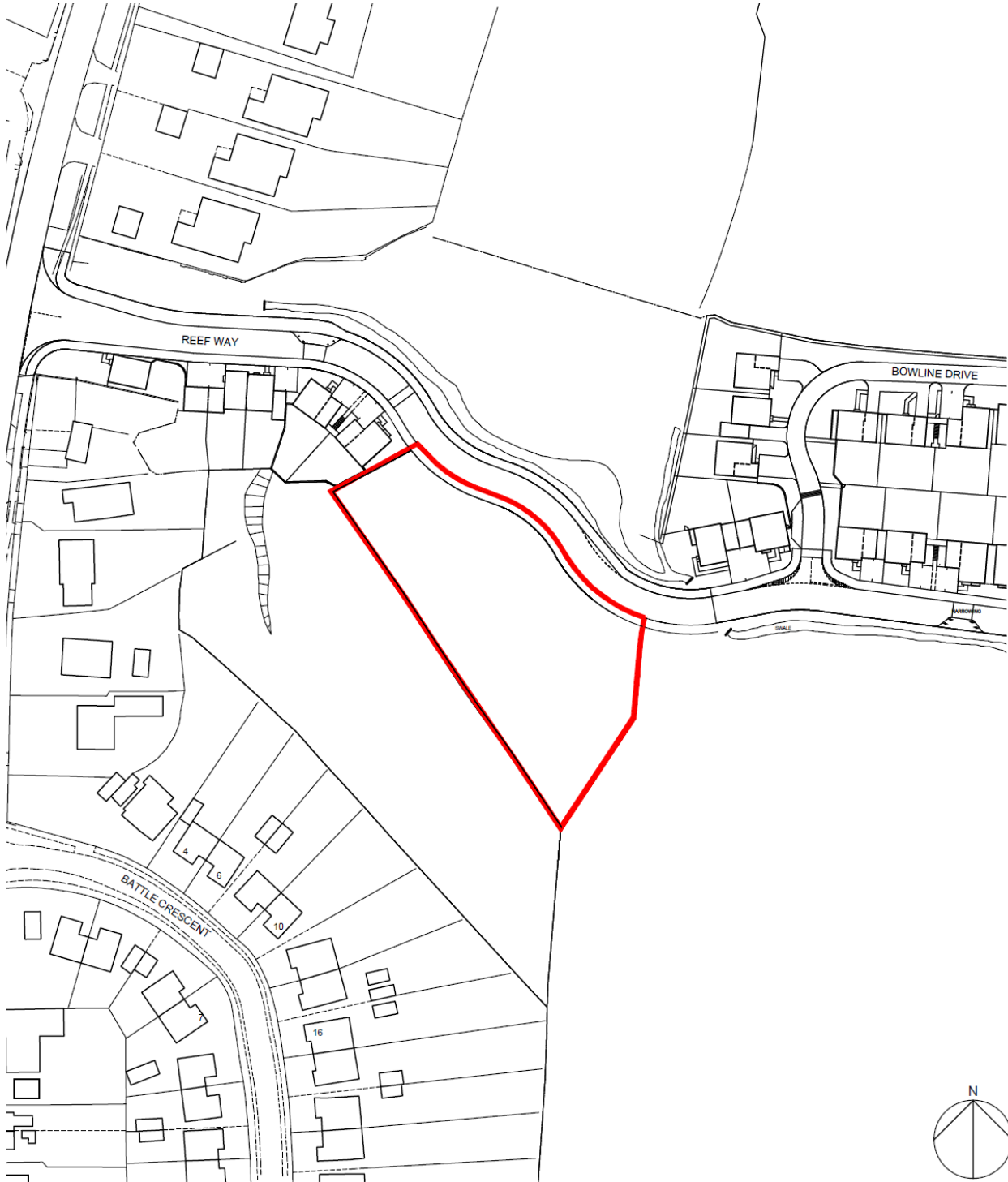
It is considered that the proposed dwellings are acceptable with regard location and design - subject to minor amendments relating to the overhangs/bargeboards/soffits set out in the recommendation and approval of appropriate materials (not the grey brick currently indicated) and as set out in the main body of the report, no major issues arise. There is one technical matter outstanding regarding a drainage strategy and additional information on pollution indices to enable the Council to consult Natural England Subject to this additional information being submitted and no objection from Natural England, it is recommended that FULL planning permission is granted subject to conditions.

6. Contact points and references

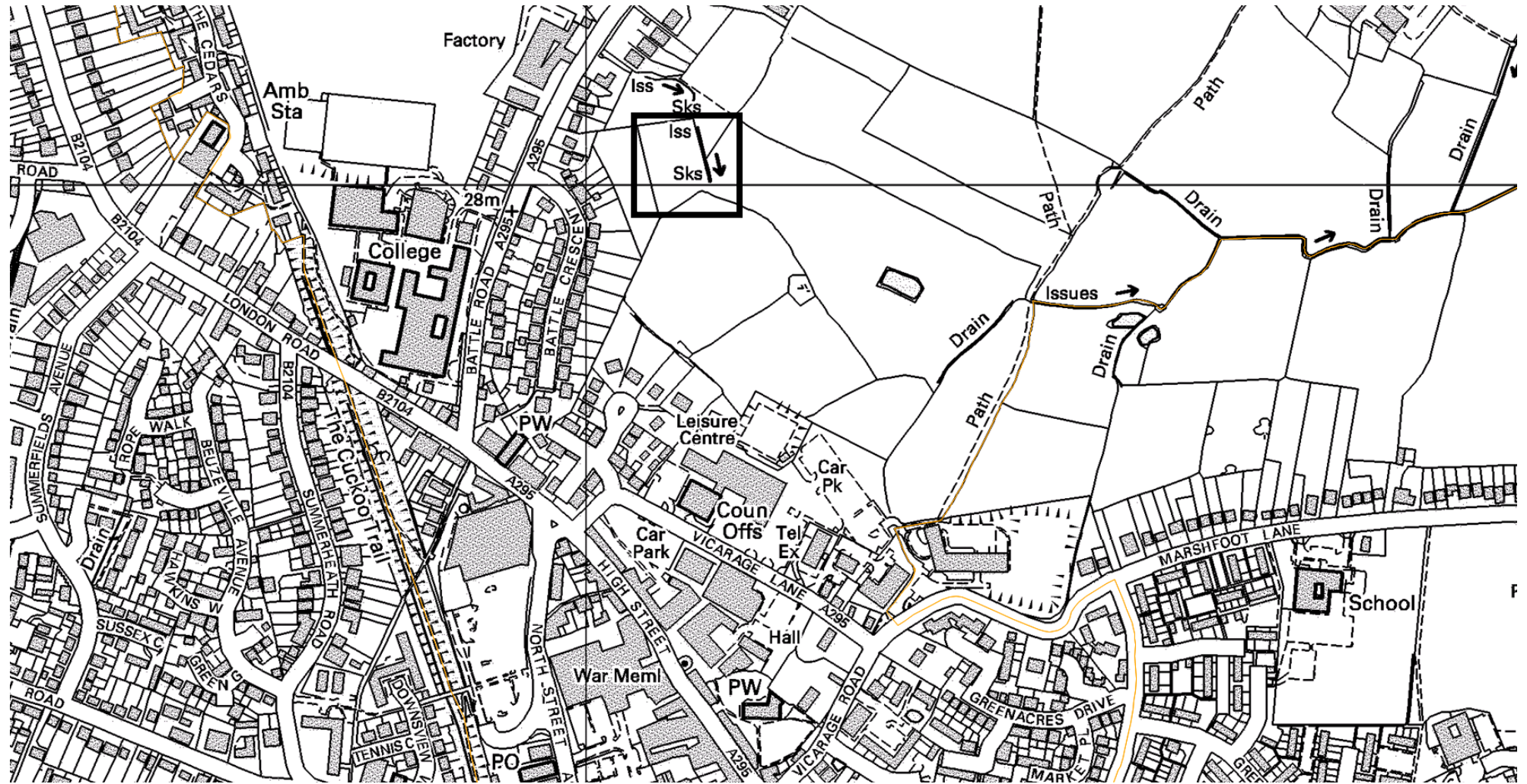
Team Leader (S)	Stacey Robins - Tel: 01892 602518
Case Officer:	Mrs C Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr N Coltman

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