

LAND SOUTH OF BARROW GREEN ROAD, OXTED

BETWEEN:

TANDRIDGE DISTRICT COUNCIL

(Council)

AND

CROUDACE HOMES LIMITED

(Appellant)

APPEAL REF: APP/M3645/W/25/3372747

PLANNING REF: TA/2025/245

**REBUTTAL TO HYDRO-GIS LTD HYDROLOGY PROOF OF
EVIDENCE**

**REV: Final
January 2026**

**BRIAN CAFFERKEY BEng (Hons) MSc CEng MICE MIEI
MCIWEM**

1. Introduction

- 1.1. This note is in the form of a rebuttal of the Hydrology Proof of Evidence (PoE) prepared by Dr Harvey J. E. Rodda of Hydro-GIS Ltd in support of Tandridge District Council (TDC). I (Brian Cafferkey) have focused on the main points raised that I feel need rebutting. If matters are not raised in this rebuttal, it should not be assumed that matters are agreed.
- 1.2. The Appellant's position on the hydrological impacts on The Bogs is set out within my Hydrology PoE prepared in December 2025 (**CD6.8**).

Planning Decision

- 1.3. No objections have been received from the Competent Authorities relating to the impact on The Bogs, with the exception of concerns on flows entering The Bogs raised by Tandridge District Council and the Surrey Wildlife Trust.
- 1.4. Surrey County Council acting in their role as Lead Local Flood Authority (LLFA) confirmed they have no objection to the proposals subject to conditions (**CD3.2J**). No concerns were raised regarding the impacts of the development on surface water and groundwater flows to the area surrounding the site. Suggested condition 1a states '*The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels*' will be required prior to commencement of development.
- 1.5. The Environment Agency (EA) confirmed on 24 June 2025 that they have no comments on the planning application and the application is assessed '*as having a low environmental risk*' (**CD3.2I**).
- 1.6. Natural England have not provided any comment relating to the hydrological impacts on The Bogs in their planning consultation dated 14 August 2025 (**CD3.2B**).
- 1.7. In the TDC planning decision (**CD3.3**), reason for refusal 4 states that "*The applicant has not demonstrated that the proposed development, and in particular the outline drainage proposals, will not result in the loss or deterioration of an irreplaceable habitat both on-site and off-site, that is The Bogs ancient woodland, within and adjoining the site boundary*".
- 1.8. The hydrological impacts on The Bogs are further addressed in Key Issue 6 in the Officers Report (**CD3.1**). Para 91 states '*None of the applicant's relevant reports have made an assessment of flow rates of water into The Bogs prior to or following development. There is consequently no way of ascertaining that, post-development, current flows of water into The Bogs will be maintained and that irreparable harm to the AW will not result. Once again, based on the precautionary principle, the surface*

water drainage proposals for the development need to incorporate provision for no diminution in, or significant exceedances of, the supply of water from the application site by way of surface water run off or stream feed into The Bogs pSNCI. The quality of surface water to be discharged via the proposed SuDS drainage system to be built as part of the development also needs to be assured.'

Additional requirements from Hydro-GIS Proof of Evidence

- 1.9. The PoE prepared by Hydro-GIS Ltd Section 9.0 outlines what information it is felt is needed to assess the impacts on the hydrology of The Bogs, including direction of groundwater, watercourse flows and levels, runoff, water quality, and comparison with rainfall measurements.
- 1.10. This information has not previously been requested by a statutory consultee and goes beyond what would typically be expected to support an outline planning application.
- 1.11. The purpose of the meeting between the Appellant and the Council on the 14 November 2025 was to establish the Council's concerns. The issues raised which I have addressed in my proof focused on the following:
- producing a further conceptual hydrological modelling; and
 - continuity of an adequate water supply to The Bogs and how diffuse and point discharges from the development would impact on flows to The Bogs
- 1.12. This request for the additional information summarised below within the Council's hydrology consultant proof was not mentioned at the meeting:
- direction of groundwater flow and groundwater catchment extent;
 - monitoring of flows and water levels;
 - visual assessments of surface water runoff and extent of ponding in The Bogs;
 - comparison of rainfall data from Environment Agency gauge station; and
 - measure quality of water in the groundwater and surface water in The Bogs
- 1.13. The emphasis of the Council's case has now shifted to requesting further information on the 'day to day' hydrology of The Bogs, which in my experience is not typically requested by statutory consultees to support development applications adjacent sensitive environments. Indeed, the statutory consultees have not requested this information. Why the above information is not required for this Site, I have outlined further under the heading, Monitoring - Annual Water Balance (para. 2.18 onwards of this report).

2. Key concerns

- 2.1. Following receipt of the Council's hydrology consultant proof, the key concern now relates to annual water balance and the day to day hydrological process (or water cycle) of the wetland. The issues raised by the Council's hydrology consultant around the annual water balance concerns focused on the following areas:
- Surface Water Flows to The Bogs
 - Groundwater
 - Infiltration; and
 - Monitoring
- 2.2. I will address each of the above concerns in turn, with specific cross-references to the relevant paragraphs of the Council's hydrology consultant's proof. However, it is important to understand what is meant by the annual water balance. The annual water balance in a catchment describes how water entering the catchment is distributed over a year. In simple terms, it accounts for inputs, outputs, and changes in storage of water within a drainage basin. Refer to **Figure 2-1** below.

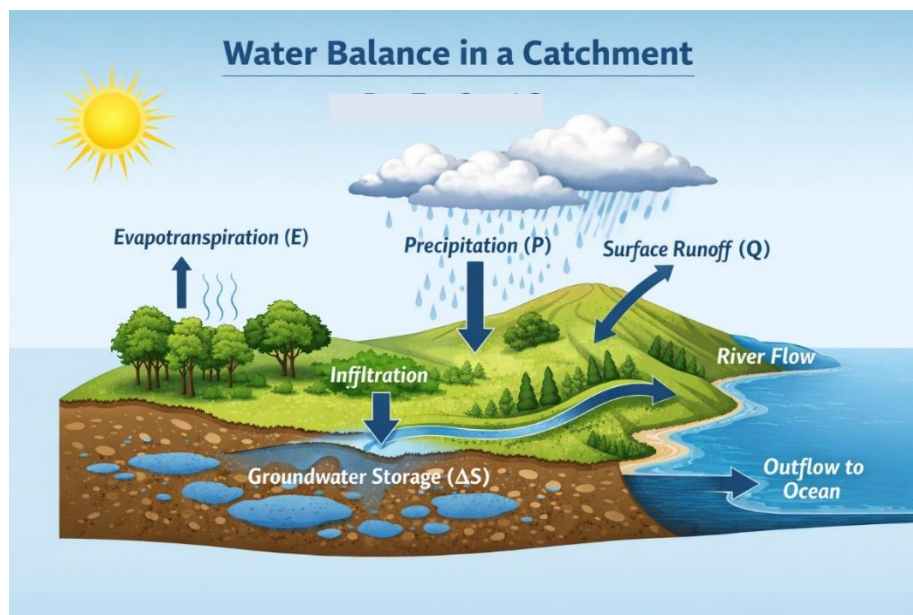


Figure 2-1: Annual Water Balance within a Catchment

Surface Water Flows to The Bogs

- 2.3. As set out in my proof (**CD6.8**), the principal source of water to The Bogs is the existing ordinary watercourse located to the west of the Site (refer to Page 23, paragraph 6.19). This is particularly the case for higher-frequency, lower-magnitude events, including the 1 in 1 year event.
- 2.4. In response to the concern regarding the development of a conceptual hydrological model (refer to Page 10, paragraph 9.1, bullet point 7), Section 5 of my proof sets out the methodology adopted, which accords with industry best practice for hydrological assessments of this nature. The conclusions of this conceptual model

have been accepted by the competent authorities, namely the LLFA, the EA, and Natural England.

- 2.5. Concerns were raised regarding the potential impact of changing surface water flows from diffuse pathways to two point-source discharges to The Bogs (refer to Page 10, paragraph 9.2, bullet point one, and Page 8, paragraph 7.4). These discharge mechanisms have been comprehensively assessed within Section 6 of my proof, from paragraph 6.22 onwards. Hydrological modelling has been undertaken for both diffuse and point-discharge post-development scenarios across the full range of storm events. The results demonstrate the proposed development will not adversely affect the continuity of water supply to The Bogs. In particular, for the 1 in 1 year event, there is no change in flows entering The Bogs between pre- and post-development scenarios, irrespective of whether diffuse or point-source discharge methods are assumed (refer to Section 6, Tables 6.3 and 6.4). This matter has therefore been addressed.
- 2.6. Paragraph 8.5 on Page 10 of the Council's hydrology consultant's proof raises concerns that the application has *"...not considered the impact of the development on flows to The Bogs under non-flood conditions."* Non-flood events have been explicitly modelled and assessed within Section 6 of my proof (Figures 6.6 and 6.7) and within Ardent Modelling Note 2 and 3 (**CD17.2** and **CD17.3** respectively) submitted to the Council in October and December 2025. The modelling confirms that the watercourse remains contained in bank up to but not including the 1 in 30-year event. All events spill to The Bogs as that is the natural characteristic of the system. This concern has therefore been addressed.
- 2.7. There is a misunderstanding within the Council's hydrology consultant's proof regarding the proposed on-site drainage strategy. It is stated at Page 10, paragraph 8.5 that *"...all of the surface water draining from the developed part of the site is now discharged via the detention ponds."* This is incorrect. The Motion FRA (**CD1.22.U**), Page 3, paragraph 2.14, confirms that infiltration SuDS are proposed where sand is present on the Site, allowing surface water to discharge via infiltration. Current drainage calculations of the approved drainage strategy within Motion's Technical Note 2 Motion (**CD2.13**) demonstrate that approximately 34% of the 3.526ha impermeable area (1.185ha) is proposed to drain via infiltration features. Technical Note 2 was submitted to the LLFA, confirming that additional infiltration testing will be undertaken at detailed design stage to further maximise the use of infiltration SuDS (refer to Page 2, paragraphs 2.6–2.8). As a result, it is likely that the proportion of surface water runoff infiltrating will increase, with a corresponding reduction in runoff discharging to the existing watercourse prior to entering The Bogs.

Conclusions on Surface Water Flows to The Bogs

- 2.8. The hydrological assessment underpinning the application is based on a robust conceptual model developed in accordance with industry best practice and accepted by the LLFA, the EA and Natural England. Detailed modelling has been undertaken to assess both diffuse and point-source post-development drainage scenarios across the full range of storm events, including non-flood conditions. The results demonstrate that the proposed development will not adversely affect the continuity, timing or volume of flows to The Bogs, with no change in flows for the 1 in 1-year event compared to predevelopment conditions.
- 2.9. Non-flood events have been explicitly assessed and confirm flooding only occurs at the 1 in 30-year event and beyond (lower frequency, higher magnitude events). In addition, the drainage strategy incorporates infiltration-based SuDS, with further testing at detailed design stage required to maximise infiltration. This would replicate the natural progression of water reaching The Bogs. Accordingly, there is no hydrological basis to conclude the proposed development would adversely affect surface water flows to The Bogs.

Groundwater

- 2.10. In relation to groundwater, the Council's hydrology consultant has raised concerns regarding the potential impact of the proposals on groundwater flows. These concerns are set out at Page 10, paragraph 7.4 of the consultant's proof, which states a *"...change in the inflow to The Bogs below ground has not been identified in the FRA nor Technical Note 1."* Further concern is expressed at Page 9, paragraph 8.3, relating to the proposed development's proximity to the spring and the observation *"...the spring will be formed from the coalescence of groundwater over a wide area."*
- 2.11. Motion's Technical Note 2 (**CD2.13**), informed by the approved Ardent Hydraulic Modelling Report dated December 2024 (**CD17.1**), proposes that the development platform be constructed above the flood level associated with the overland flow route, thereby addressing on-site flood risk. In addition, and in accordance with standard advice provided by the LLFA, all infrastructure below ground, including foundations, will be designed to ensure they do not adversely affect groundwater flows. To inform the detailed design of the platform, and as required by the LLFA, confirmation of groundwater levels will be undertaken through a programme of groundwater monitoring, to be carried out as a minimum over the winter period between October and April (Winter months).
- 2.12. The Motion FRA (**CD1.22.U**) states in Page 9, para. 4.17 *"..Development has been kept out of the wet area, and no buildings have been located either between the watercourse and the wet area, or within 10m of the wet area. Proposed development ground levels will also be approximately 700mm-1000mm higher than existing levels*

in the southwest of the site post development.". The final platform height is to be confirmed following review of the groundwater monitoring data. This approach will ensure that groundwater flow pathways are maintained and that the proposed development will not have an adverse effect on groundwater contributions to The Bogs. Refer to **Figure 2.2** below indicating indicative raised development platform.

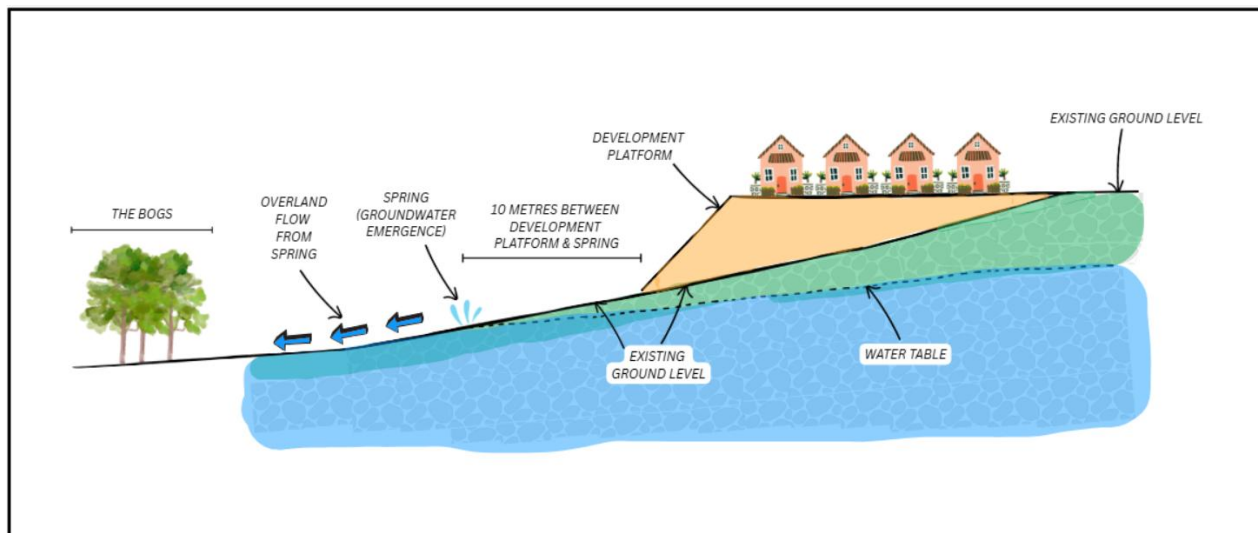


Figure 2-2: Indicative Raised Development Platform

Conclusions on Groundwater

2.13. The proposed development has been designed to avoid and protect groundwater pathways to The Bogs. Development is set back from the wet area and spring, ground levels are raised above existing, and the final platform height will be informed by site-specific groundwater monitoring undertaken in accordance with LLFA requirements. Infrastructure below ground will be designed to have no adverse effect on groundwater flows. On this basis, it is concluded the proposed development will not adversely impact groundwater flows or groundwater contributions to The Bogs.

Infiltration

2.14. Concerns have been raised by the Council's hydrology consultant in relation to the potential effects of reduced infiltration from the proposed development, on the basis approximately 3.5ha of the 9.63ha Site would become impermeable. These concerns are set out at Page 9, paragraph 8.3 of the consultant's proof, which states that *"...whether preventing infiltration from the developed area of the site, given in the FRA as 3.5ha, would have a detrimental impact on this spring and other groundwater flows to The Bogs."* Further concerns are expressed at Page 10, paragraph 9.2, bullet points two and three, relating to all surface water being routed through drainage features and the potential for reduced infiltration to affect groundwater emergence in the south of the Site and subsequent overland flows to The Bogs.

2.15. As previously set out under Surface Water Flows to The Bogs, current drainage

calculations of the approved drainage strategy within Motion's Technical Note 2 Motion (**CD2.13**) demonstrate approximately 34% of the 3.526ha impermeable area (1.185ha) is proposed to drain via infiltration features. Technical Note 2 was submitted to the LLFA, confirming additional infiltration testing will be undertaken at detailed design stage to maximise the use of infiltration-based SuDS across the Site (refer to Page 2, paragraphs 2.6–2.8). Notwithstanding this, the remaining 2.341ha of impermeable area draining via detention basins represents approximately 1.6% of the overall 1.46km² catchment, and is therefore hydrologically negligible at catchment scale.

- 2.16. With regard to the specific concern relating to reduced infiltration affecting groundwater emergence in the south of the Site and subsequent overland flows to The Bogs, it is reiterated that the drainage strategy is explicitly designed to maximise infiltration where ground conditions permit, informed by further site-specific testing at detailed design stage. Consequently, an increase in infiltration relative to the current assumptions is anticipated. Any surface water runoff captured by the drainage system will discharge at the approved and controlled rates. In respect of groundwater flows, the proposed programme of groundwater monitoring will inform the detailed design of mitigation measures, including the raised development platform, ensuring that the proposed development does not adversely affect groundwater emergence or groundwater contributions to The Bog.

Conclusions on Infiltration

- 2.17. The evidence demonstrates the proposals will not result in a harmful reduction in infiltration or adversely affect groundwater emergence or flows to The Bogs. Infiltration is already incorporated within the drainage strategy, with further testing at detailed design stage required by the LLFA to maximise infiltration-based SuDS where ground conditions allow. Any remaining surface water runoff will be discharged at controlled rates and represents a negligible proportion of the wider catchment. In addition, the proposed groundwater monitoring and associated mitigation measures will ensure groundwater pathways and contributions to The Bogs are maintained. Accordingly, there is no hydrological basis to conclude the proposed development would have a detrimental impact on infiltration or groundwater flows to The Bogs.

Monitoring – Annual Water Balance

- 2.18. In response to the Council's hydrology consultant's comments under "*Missing Information*" (Page 10, paragraph 9.1, bullet point one), it is agreed that groundwater level monitoring should be undertaken within the redline boundary for a minimum period between October and April. This accords with LLFA requirements and is necessary to inform the detailed design of infiltration SuDS and mitigation measures associated with the proposed raised development platform.

- 2.19. However, the additional monitoring requirements identified at Page 10, paragraph 9.1, bullet points two to five (summarised in para.1.12 above) are not considered necessary to support an outline planning application.
- 2.20. It is also noted that no formal water level management regime or water abstraction activity is currently in operation within The Bogs, and any monitoring could only be undertaken within the Site red line boundary.
- 2.21. Planning guidance, including the National Planning Policy Framework (NPPF) and the Planning Practice Guidance on "Flood risk and coastal change" (Paragraph: 021, Reference ID: 7-021-20220825), emphasises the principle of proportionate assessment. Requiring an annual water balance in this context would therefore be disproportionate, not standard industry practice, and not necessary for the determination of this application.
- 2.22. Annual water balance assessments are typically requested only where long-term water availability or abstraction is a potential concern, which is rare for developments of the type and scale proposed. Such assessments require long-term monitoring across the entire catchment, of which the vast majority of the catchment lies outside the Site's redline boundary.
- 2.23. Statutory consultees, including the Environment Agency, Natural England, and the LLFA, do not normally require an annual water balance at outline or detail planning stage. Instead, they expect proportionate, site specific assessments, such as storm event modelling, drainage calculations (which have been provided), and targeted groundwater monitoring (which will be provided at the detailed planning stage).
- 2.24. The proposed built development area of the Site represents approximately 2% of the overall catchment. Its contribution to the overall catchment water balance is therefore minor and hydrologically negligible.
- 2.25. For reasons of proportionality and practicality, requiring a full annual water balance assessment is unnecessary. It would entail long term, catchment-wide monitoring outside the redline boundary and provide information beyond that needed to demonstrate no adverse impact. My view is consistent with statutory guidance and the principle of proportionate assessment.
- 2.26. My professional opinion is further supported by the fact that the statutory consultees in the form of the Environment Agency, LLFA, and Natural England did not request an annual water balance in their responses to this application.
- 2.27. The following examples illustrate comparable development sites that faced similar challenges but successfully secured planning permission, with the accompanying decision notices or appeal decisions provided in **Appendix A**. None of these approved developments were required to provide the level of monitoring currently being

requested for the Appellants' Site.

Example 1: Clavering Walk – Appeal Ref: APP/U1430/W/19/3234340

- 2.28. Outline application for 85 residential dwellings at Clavering Walk, Bexhill on Sea. Site located adjacent to Pevensey Levels (RAMSAR, Special Area of Conservation (SAC), Site of Scientific Interest (SSSI) designations), with the proposed on-site drainage network discharging towards the Pevensey Levels.

Example 2: Woodfield – Application Ref: UTT/22/1802/FUL

- 2.29. Full application for 120 residential dwellings at Woodfield, Great Dunmow, Essex. Site located immediately uphill of an ancient, wet woodland, with proposed on-site drainage network discharging to watercourse running through woodland.

Example 3: Shoeburyness – Application Ref: 20/01227/OUTM

- 2.30. Outline application for up to 214 residential units, retail and a health centre, at Shoeburyness, Southend-on-Sea, Essex. Further south within 350m of the site and to the immediate rear of the larger part of the site, is a Local Wildlife Site with a Site of SSSI and a Local Nature Reserve, beyond which is a Special Protection Area (SPA), RAMSAR and SSSI.

Example 4: North Queensway – Application Ref: HS/FA/12/00802

- 2.31. Construction of estate road to facilitate business park at St Leonards on Sea, East Sussex. Site adjacent to woodland designated as SSSI and Local Nature Reserve.
- 2.32. A copy of the planning decisions are contained within **Appendix A** of this report for ease of reference.

Conclusions on Monitoring – Annual Water Balance

- 2.33. In my professional opinion, an annual water balance is not required for this development. The developed Site is small relative to the overall catchment, contributes only a minor proportion of flows, and no formal water level management or no abstraction exists within The Bogs.
- 2.34. Proportionate assessments, including storm event modelling, drainage calculations, and targeted groundwater monitoring, are sufficient to demonstrate no adverse impact. This approach is consistent with statutory guidance, industry practice, and the position of statutory consultees, none of whom requested an annual water balance for this or comparable developments.

Appendix A: Examples of Comparable Sites

Appendix A.1: Clavering Walk – Appeal Ref: APP/U1430/W/19/3234340



Appeal Decision

Inquiry commenced on 19 November 2019

Site visit made on 29 November 2019

by Frances Mahoney MRTPI IHBC

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

Decision date: 13th February 2020

Appeal Ref: APP/U1430/W/19/3234340

Land at Clavering Walk, Cooden, Bexhill on Sea

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Bellway Homes Limited (Ben Stacey) against the decision of Rother District Council.
 - The application Ref RR/2018/3127/P, dated 30 November 2018, was refused by notice dated 20 June 2019.
 - The development proposed is an outline planning application (with all matters reserved except for means of access from Clavering Walk) for residential development of up to 99 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 85 dwellings at land at Clavering Walk, Cooden, Bexhill on Sea in accordance with the terms of the application, Ref RR/2018/3127/P, dated 30 November 2018, subject to the conditions set out in the schedule annexed hereto.

Preliminary matters

2. The Inquiry sat from the 19-20, 26–29 November 2019 with an accompanied site visit on the 29 November 2019.
3. The Bellway Opposition Action Group (Rule 6 Party) were granted Rule 6 party status and took a full and effective part in the Inquiry proceedings.
4. In this outline proposal all matters are reserved for future consideration save that of access. The description of development set out above reflects that of the planning application form. Over the course of the consideration of the planning application, and as a response by the appellant company to the comments of the various consultees and local residents, amendments were made to the proposal with a change in the description of the residential development reducing the maximum number of homes to be considered to 'up to 85 dwellings'. The planning application was determined by the Council on this basis and all the main parties, along with those who addressed the Inquiry were aware of this change. Therefore, my consideration of the proposal is based on the outline proposal for up to 85 units. However, I am aware that the various submitted supporting evidence such as the Transport Assessment has

been formulated on the basis of the original 'up to 99 dwelling' maximum. The relevant conclusions of this evidence has been considered in that context.

5. I am also conscious that other than the location plan and site access plan, all other plans are purely for illustrative purposes only and whilst they may not be determinative, they have informed my reasoning. That notwithstanding I have been asked to consider the broad approach to the development of the appeal site as set out on the Parameters Plan¹.

Planning Policy

6. The Development Plan includes the Rother Local Plan Core Strategy 2014 (CS) and the saved policies of the Local Plan 2006. Following the close of the Inquiry the Development and Site Allocations Local Plan (DSALP) was adopted, its policies in full force now forming part of the Development Plan². The appeal site was not included within the sites allocated.
7. It is an uncontested position that the District of Rother is highly constrained with nearly 90% of it being either in the AONB or some other nationally or internationally designated area for its nature conservation value³. Rother also includes a number of Sites of Special Scientific Interest (SSSI) and over 15% of the District is covered by Ancient Woodlands⁴. Accommodating growth whilst ensuring that this does not conflict with the unique wildlife and habitats protected under the identified designations is identified within the CS as being particularly challenging⁵.
8. In this context the CS focuses new development at Bexhill⁶ with some 3,100 homes of the planned 5,700 dwellings for the District to be accommodated within the Town.
9. The appeal site lies outside the defined development boundaries which in the Cooden area closely follow the actual built limits of development. The site does however, closely abutt the urban development of Clavering and Maple Walks, part of the outer built up edge of Cooden. The appeal site is clearly part of the countryside and, therefore, subject to the terms of CS Policy OSS1 which identifies that the overall spatial development strategy of the Local Plan is one of concentrating new development at Bexhill and giving particular attention to the intrinsic character of the countryside. CS Policy OSS2 goes on to highlight that the development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. The weight to be ascribed to these policies is a matter to be considered later in this decision.

Agreed housing matters

10. It is an agreed position between the appellant company and the Council that only a 3.73 years supply of housing land can be demonstrated⁷. This is in the context of an accepted position of under-delivery on the Council's housing

¹ Dwg No 6564/ASP1 Rev B.

² The comments of the parties were sought following the adoption of the DSALP. These are Inquiry Docs 27 & 28.

³ CD 1.1.1 Para 3.5.

⁴ CD 1.1.1 Paras 3.7 & 3.8

⁵ CD1.1.1 – Page 18 8).

⁶ CD 1.1.1 CS Policy OSS1.

⁷ Statement of Common Ground Housing Land Supply Position (SofCGHLS).

requirement during the last 3 years⁸. Sites which already have planning permission or are awaiting the conclusion of S106 agreements have been included in the calculation of the housing land supply.

11. Consequently, the Council accepted that the CS was over 5 years old and its policies in regard to housing provision are out-of-date under the terms of the Framework⁹. I shall return to the weight to be ascribed to the apparent lack of a five-year housing land supply and so to the resultant contribution of up to 85 units to the identified housing need of the District.
12. That said, the important issue is whether the result of the Development Plan policies is the existence of a five-year housing land supply in accordance with the objectives of the Framework. In this instance this is not the case and so it is sufficient, as a first notion, to engage the 'tilted balance' of paragraph 11 of the Framework¹⁰, reaching a conclusion within the terms of footnote 7 that the identified most important Development Plan policies for the provision of housing are out-of-date¹¹. This is a matter which will be returned to in the planning balance.
13. The adoption of the DSALP has not changed the Council's position on its inability to demonstrate a five-year housing land supply. Many of the sites identified in the DSALP form part of the Council's current housing position.

Main matters for consideration

14. Prior to the opening of the Inquiry the Council and the appellant company were able, through discussions and offered mitigation works, to hone the matters between them to the following:
 - Whether the proposal would cause unacceptable harm to the amenity of existing residents in Clavering Walk by reason of disturbance;
 - Whether the development would have an acceptable relationship with the existing townscape; and
 - Whether the proposal would harm the character of the landscape which may or may not form part of a valued landscape¹².
15. The Rule 6 Party also raised the following:
 - The impact of the proposal on highway users, in particular pedestrians in Maple Walk and at the junction of Clavering Walk and Cooden Sea Road;
 - Whether the proposal represents a suitable location for development in regard to accessibility for pedestrians and offers a real choice to residents in respect of sustainable modes of transport;
 - The impact on the adjacent Cooden Moat Scheduled Ancient Monument (SAM) along with the former WW1 Cooden Camp site; and
 - The impact of the proposal on the integrity of the adjacent European site, the Pevensey Levels (SAC).

⁸ Has delivered 69% of its required housing during the last 3 years.

⁹ Framework para 11 d). DL para 9.

¹⁰ Framework Para 11d).

¹¹ CS Policies OSS1 & OSS2.

¹² In the terms of para 170 of the National Planning Policy Framework (the Framework).

16. All of the above matters will be considered but not necessarily in the order set out above.

Highways

17. Following the refusal of planning permission for this proposal the appellant company continued to negotiate with East Sussex County Council as Highway Authority (HA) and Highways England (HE). The two matters identified to be addressed were the impact on Little Common Roundabout (Strategic) in combination with other developments and site allocations, including the Spindlewood Drive development¹³, and the impact on the local highway network, particularly on Maple Walk, in respect of any effects on pedestrians and other road users.
18. A Transport Assessment Addendum (TAA) dated February 2019 was produced to up-date the original Transport Assessment. It identifies that following further modelling, including observations of traffic flows, the T-junction of Clavering Walk and Cooden Sea Road would operate within acceptable levels of capacity during peak hours, both with and without development in place. From the peak hour traffic counts, it is also apparent that a higher proportion of traffic associated with Clavering Walk beyond the junction with Maple Walk, use the Cooden Sea Road route to the Little Common Roundabout as opposed to Maple Walk itself. I do not find this surprising as having driven Maple Walk during both peak periods the Cooden Sea Road route, again which I experienced, seemed a much more attractive direct and more easily driven route in respect of approaching the Little Common Roundabout. I agree it may not seem to be the most direct route but length of route is only one factor which may influence drivers in respect of which way to go. The conclusion of the TAA in this regard would seem to bear out my observations and judgements.
19. At Little Common Roundabout additional enhancements are proposed, such as improved entry widths and flare lengths on both A259 arms and Cooden Sea Road, which would be sufficient to offset the impacts of the proposed development traffic on the congested arms of the junction. The HA and HE both accepted the findings of the TAA and subject to the delivery of the required mitigation no objection is maintained by the Council or these parties on highway grounds.
20. The Rule 6 Party are particularly concerned regarding the safety of pedestrians. This can be divided into the safety of pedestrians using Maple Walk and those using Cooden Sea Road to access bus stops.
21. Maple Walk is some 700 metres long and is an unadopted shared surface road. As a public right of way it provides a linkage between the adopted section of Maple Walk to the north and Clavering Walk to the south (adopted). It is maintained by 'the Frontages', that being those residents of properties which front onto the road. There is no doubt that this section of Maple Walk would not meet the adoptable standards of the HA. However, such private shared surface roads are not uncommon. The lack of a formalised pedestrian refuge on either side of the road presents a shared responsibility for highway safety between road users in general.

¹³ Which would have its own access directly from the A259 Barnhorn Road, connecting to Maple Walk with a secondary access.

22. At the junction of Maple Walk and Clavering Walk, the roadway stretching to the north is open with grass verges on each side sufficient to accommodate vehicles passing in opposite directions. Forward visibility is good which is a general characteristic of much of Maple Walk and the road does include some street lighting as well as almost continuous residential frontages along its length. Pedestrians and cyclists would be clearly seen. The shared nature of the roadway, in itself, would influence driver behaviour with cars slowing to anticipate pedestrians and cyclists much as would be the case on many adopted roads of a similar nature.
23. Maple Walk does narrow as it extends towards Little Common and there is a defined pinch point of only a single vehicle width. When I walked Maple Walk on a number of occasions, I did encounter vehicles in this narrowed carriageway. However, there were driveways and limited verges to step into to allow vehicles to pass. I also observed vehicles slowing and waiting to allow pedestrians with prams and buggies or with mobility issues to pass and reach the footpaths beyond. The narrowing of the road itself could be considered as a form of traffic calming which requires the slowing of traffic anticipating and accommodating other road users.
24. I do accept for shared surface carriageways to be effective and provide a safe environment for road users, there must be some reliance on driver and road user etiquette and courtesy for one another, qualities I accept are not always exercised by all road users. I heard anecdotal evidence of pedestrian and cyclists being forced onto the verges by drivers who were breaking the speed limit of 20 miles an hour along Maple Walk and who had little regard for the well-being of other road users. Such instances are not necessarily affected by an increase in road usage. The idiocy of the driving behaviour of some cannot be legislated for, other than by enforcing appropriate restrictions. Evidence of actual accidents resulting from conflicting movements between pedestrians and vehicles was not a mainstay of the cases before me.
25. I consider that in the reality of any increased traffic movements along Maple Walk, notwithstanding the TAA conclusion that most future peak traffic movements would use Clavering Walk and Cooden Sea Road, pedestrians and cyclists, who, in the main, are likely to be locals with a good knowledge of road conditions along Maple Walk, would continue to take care when using the unadopted road. Similarly local drivers using Maple Walk would be aware of the narrowing character of the road in places and drive accordingly. The shared surfacing of the road, the advertised speed limit along its length, the persistent punctuation of emerging domestic driveways and cul-de-sacs, along with the obvious change in road width are all factors which I consider would influence driver behaviour to allow for an acceptable level of compatibility between the movements of pedestrians and those of vehicles. Any increase in traffic either from the proposed development or over-time would not, in my view, significantly increase impacts on the safety of highway users along Maple Walk¹⁴.
26. Clavering Walk/Cooden Sea Road is presented by the appellant company as the potential route for residents to reach the bus stops close to Maple Avenue. As Cooden Sea Road rises from Clavering Walk towards Maple Avenue the road narrows and goes into a banked cutting at the expense of the pedestrian

¹⁴ The nature and character of Maple Walk would belie the fears of residents of it turning into a rat-run.

footpaths on either sides of the road. I walked this route myself and certainly felt quite vulnerable as traffic came towards me in both directions. Taking the alternative route along Maple Walk and Maple Avenue, whilst longer in distance, seemed a safer option. Those existing residents from along Clavering Walk who use the bus service presumably have found their own preferences for their chosen routes to the bus stops. This is likely to be the case in respect of future bus users. I am also conscious that the appeal proposal would offer pedestrian access directly to Maple Walk close to the junction with Maple Avenue thereby presenting a more desirable walking route to the bus stops than otherwise.

27. Framework paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the case of highway safety, I have found the impact of the proposal to be acceptable and the residual cumulative impacts on the road network cannot be described as severe¹⁵. The terms of CS Policies TR3¹⁶ and CO6¹⁷ would not be compromised in this instance.
28. In respect of the obligation of 'the Frontages' to maintain their section of Maple Walk, I do understand it must be frustrating to have the responsibility for a roadway over which there is a public vehicular right of way and of which the public regularly avails itself. However, this is the circumstance of Maple Walk and, much as traffic from the Spindlewood Drive allocation could use the unadopted road unimpeded, so too can existing residents of Clavering Walk or other traffic. I do not see this civil obligation as a matter which should preclude the development of the appeal site.

Accessibility

29. Framework paragraph 103 identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.
30. Accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood. The Council and the HA are in agreement that the appeal site is in a sustainable location in terms of access by non-car modes. The Rule 6 Party however is of the view that the appeal site does not form a suitable location for development due to poor accessibility for pedestrians¹⁸.
31. Little Common benefits from a number of local services and shops, including a small Tesco supermarket and there is no question that it is not in itself a sustainable location where residents can access essential day to day services on foot. I observed a good deal of footfall around the local centre as well as residents queuing at the bus-stop.

¹⁵ I have also considered the terms of Framework para 102, in particular d).

¹⁶ In so far as it relates to the securing of mitigation against transport impacts and improvements to local infrastructure.

¹⁷ Which seeks to ensure that all development avoids prejudice to road and pedestrian safety and reduces traffic impacts in town centres, villages and residential areas.

¹⁸ The route and distances could be well achieved in good time on a bike.

32. The appeal proposal would encourage cycling through the provision of cycle access across the new development and out onto Maple Walk. Little Common is within easy riding distance as are other local services in the vicinity. In respect of pedestrians, the future residents of the new development would access services on foot by walking through the pedestrian link direct to Maple Walk. I have already established that Maple Walk presents an acceptable environment for those walking in this shared surfaced roadway.
33. In practical terms it is the walking times, the nature of the walk and their purpose on that occasion, which are more likely to influence whether someone decides to stride out or to jump into their car.
34. The distance to the shops and services in the vicinity of Little Common may be a stretch of the legs but for future residents it would be no worse than the distances existing residents in Clavering Walk walk to the services, in some cases it would be actually closer.
35. In respect of access to public transport I have already indicated that the bus stops on Cooden Sea Road close to Maple Avenue are accessible. Part of the mitigating highway works includes firstly the improvement of those bus stops making them more attractive to those using the stop, secondly the provision of a 2 metre wide footway leading from the shared surface on Maple Avenue to the bus stop on the west side of the road, and thirdly a pedestrian crossing with dropped kerbs and tactile paving on Cooden Sea Road close to the Maple Avenue junction is proposed along with further dropped kerbs at other nearby junctions.
36. It is acknowledged that the bus service along Cooden Sea Road is limited. The proffered Unilateral Undertaking¹⁹ makes provision for a financial contribution towards improving the bus service, in particular pump-priming later timed services on the Wave99 route. This certainly would make using the bus route more attractive with services later into the day.
37. I am also conscious that Cooden Beach train station is easily accessible on foot and an enormous advantage, providing transport links along the south coast into London and beyond.
38. An advanced Travel Plan would also form part of the detailed requirements for the development to further encourage future residents to use public transport.
39. Therefore, in these circumstances the appeal proposal would present ease of pedestrian movement with acceptable access to local facilities and public transport services providing a genuine choice of transport modes. In this way the development would meet the sustainable transport objectives of the Framework and the terms of CS Policy TR3 in particular.

Noise and disturbance

40. For the dwellings which back onto the appeal site in Clavering Walk and Maple Walk, in general, they all benefit from comparatively ample rear gardens. A goodly number have open post and rail fencing or mature trees and hedging delineating the common boundaries with the appeal site. I do appreciate that at present the appeal site as a pastoral field presents a quiet neighbour to these dwellings, although I am also aware that in an established residential

¹⁹ Inquiry Doc 26.

street it is likely, particularly in the summer months, that there would be an awareness of activity within existing neighbouring gardens for residents. However, it is reasonable to suppose that one of the factors in the consideration of any future layout for development would take into account the juxtaposition of the existing private residential gardens and any proposed similar private amenity spaces or building locations. The proffered acoustic fencing of the southern boundary, common to the properties in Clavering Walk and Maple Walk would serve to provide privacy as well as a limitation on noise of a domestic nature between residences, for both future and existing residents.

41. The essence of this matter centres on the impact of the vehicular movements using Clavering Walk generated by the future residents of the proposed development and associated movements such as deliveries or refuse collection in respect of noise and disturbance to the existing residents of Clavering Walk. Whilst a noise assessment has been produced by the appellant company and its overall conclusions remain unchallenged²⁰, I consider in the circumstances of this case, it will be a matter of judgement as to what the extent of the overall impacts would be from the new development²¹.
42. Clavering Walk is a cul-de-sac. It is reasonable to suppose that the section of Clavering Walk from the junction with Maple Walk to the turning head currently is, in the main, accessed by the vehicles of existing residents, visitors and associated service traffic with the odd lost driver turning round or those parking to walk the footpath network from this point. Therefore, the general vehicular activity level in the vicinity is likely to be quieter than, for example, Maple Walk where there would be more of a through put of traffic, although I do not doubt that during the peak periods there would be more of a concentration of traffic movements in Clavering Walk as residents leave and return from their regular daily journeys such as to work or the school run. The quieter character of the lower section of Clavering Walk than that of Clavering Walk between Maple Walk and Cooden Sea Road, was borne out in my observations of the locality at varying times of the day and evening. However, it was interesting to note that there was anecdotal evidence from a resident that the turning head of Clavering Walk could be described as busy which would imply some concentration of traffic noise as vehicles make a turning manoeuvre. Nonetheless, I consider it likely that were permission to be granted the noise from future vehicle movements travelling to and from the new homes, in the peak hours, when the main concentration of vehicular movements would occur, would be likely to be noticeable to existing residents over and above that which already occurs both within their homes and their gardens²².
43. The question of whether this noise would be a disturbance or not can be specific to the person experiencing it. However, I must make a judgement on whether that impact and resultant harm to the living conditions of the existing residents would give rise to significant adverse impacts on health and quality of

²⁰ It was based on the TAA which was assessed on the basis of the earlier 99 units – ie worse case.

²¹ These judgements would be based on observations of the character and nature of Clavering Walk and adjacent roads at different times of the day and evening, as well as visits to a number of homes along Clavering Walk.

²² Main external noise would be likely to be concentrated in the front gardens.

life²³, and whether it would unreasonably harm the amenities of adjoining properties²⁴.

44. The appellant company accept that noise would arise from the development²⁵.
45. The mitigating measures proffered by the appellant company in respect of speed limit and road design and surfacing would go some way to assist in minimising the noise from the general comings and goings of vehicles travelling into Clavering Walk from the new development road²⁶. However, with the potential for approximately 70 vehicles per hour, amounting to one vehicle per minute in the peak hours²⁷, some residents would be aware of the increase in passing traffic in respect of noise generated. This would be likely to cause disturbance for some, particularly for those living closer to the turning end of Clavering Walk which would be extended to give access to the new development²⁸.
46. That said, I am also conscious that, most of the houses close to the turning area end of Clavering Walk, are large properties set back from the road, some benefiting from mature tree and shrub planting in the front garden area. This would assist in reducing the impact of the noise, along with an awareness of moving vehicles, which can in itself heighten a sense of disturbance. In addition, over time as residents became more used to the change in the nature of traffic flows along Clavering Walk, any noise and disturbance could become less noticeable and intrusive²⁹.
47. However, even in the face of the potential for mitigating factors to reduce noise from vehicles as they move into Clavering Walk and the beneficial set back of dwellings from the road with some intervening landscaping, I find that there would be harm to the living conditions of local residents by reason of noise and disturbance. However, whilst acknowledging that residents would be aware of a change in the noise characteristics of Clavering Walk with an increase in traffic resulting in harm, this would not unreasonably harm the amenities of residents, nor give rise to significant adverse impacts on their health and quality of life. Thereby the terms of CS Policy OSS4 and Government guidance in this regard would remain uncompromised. That said, the identified harm would still need to be weighed into the overall planning balance of this decision.

Heritage considerations

48. In respect of heritage I shall firstly consider the impact of the proposal on the designated heritage asset which is Cooden Moat Scheduled Ancient Monument (SAM). This is located off to the north-east of the appeal site. The Parameters Plan shows the concentration of the proposed built development adjacent to the existing residential property on Clavering and Maple Walks. The existing central band of banked trees and hedging cuts across the appeal site and ties into the woodland which surrounds the SAM. The land to the north of this

²³ Framework para 180 a).

²⁴ CS Policy OSS4 ii).

²⁵ Inquiry Doc 24 para 15.

²⁶ It is noted that the appellant company are not able to carry out mitigating measures along Clavering Walk. I accept the Council's assessment on the separate noise balance in these circumstances.

²⁷ Based on 99 units ie worst case.

²⁸ Noise and disturbance would diminish the further along Clavering Walk vehicles travelled in the approaches to Maple Walk where existing traffic levels would be more prevalent.

²⁹ The Council has urged a common sense judgement be applied. This has been done.

central landscaped band would remain open green space, including drainage features (ponds), further planted areas, as well as footpaths criss-crossing the site. The existing public footpath No 125a would link into the existing public footpaths which cross the appeal site from Clavering Walk through to Maple Walk.

49. Historic England (HE) and the Council do not maintain an objection to the proposal on the basis of the impact of the proposal on the significance and setting of the SAM³⁰. Cooden Moat is likely to date from around 1300AD and this near square moat would have surrounded a residency of a high-status Lord of the Manor, in this case it is suggested it was the de Codynge family. Part of the SAMs significance is that of the Moat as an indicator of the status of the residents of the dwelling and its importance in understanding the distribution of wealth and status in rural medieval England. The Moat survives as a generally well-preserved example of its type.
50. Whilst the woodland within which it sits has to some degree protected it, the claustrophobic nature of the invasive woodland detracts from understanding its more typical location as a once open and occupied site being isolated within the rural landscape setting. The penetration of tree roots into the banks of the Moat has placed the definition of the very feature which identifies the manorial site at risk. The significance of the SAM is slowly being eroded by the woodland invasion.
51. The setting of the SAM would originally have been firmly based in associated open rural pastoral countryside. The development of Clavering Walk and Maple Walk and Cooden in general, as an extension to Bexhill-on-Sea has continued to erode the rural setting, as will the Spindlewood Drive extension.
52. However, with the proposed built development to be confined to adjoining Clavering Walk in the southern section of the appeal site and the northern open green space to be linked through to the woodland surrounding the SAM, the impact on the setting of the SAM³¹ would be considerably reduced.
53. In walking the footpaths which pass close by the SAM, and even skirt the Moat itself, there was evidence of well-trodden paths indicating frequent usage. I understand the concern that future residents of the new development would also be likely to wish to enjoy the footpath network in the locality, much as existing residents obviously do, which would include those paths close to the SAM. I also heard that local youngsters have grown up on adventures centred on the woodland and the large World War II concrete blocks within the Moat have facilitated access to the 'island'. This is likely to be the case with or without the new development. This may place an added pressure on the SAM but one which would be continuous in any event to a lesser degree.
54. Part of the significance of the SAM is the fact that the hydrology of the Moat can vary between being dry to containing a depth of water over the seasons. HE were confident that any impact of the appeal proposal on the Moat in this regard could be mitigated. This will need to be explored in more detail as part of the reserved matters drainage scheme but I am satisfied it is appropriate to put this matter off until that detailed infrastructure design stage.

³⁰ Subject to the mitigating measures being secured.

³¹ In the context of what remains of the open pastoral landscape within which the SAM would have been located in a isolated position.

55. The designation and protection of the site is to ensure its preservation for the contribution it can bring to the quality of life of existing and future generations. The SAM needs to be appreciated and understood for its heritage significance. It is clear from the research, understanding and affection of the Rule 6 Party that locally there is an appreciation of the heritage significance of the SAM. However, from my experience of the site this was not evident for the casual, uninformed visitor. There appeared to be little or no management of the SAM being undertaken.
56. It is fair to conclude that there would be some resultant harm from the new development for the SAM in respect of a limited erosion of its significance which would amount to less than substantial harm at the very lowest point of a sliding scale of harm. However, this harm has to be weighed against the public benefits of the proposal³².
57. HE is satisfied that the Conservation Management Plan, which would include the management of invasive vegetation to the Moat, the repairing of stiles and fencing, works to existing pathways and the installation of interpretation boards to allow people to understand the site for what it is, including information on the protection that the monument is afforded and warn people off damaging the site in anyway, would mitigate the harm identified.
58. This mitigation I consider to be a public benefit as it would enhance the appreciation and enjoyment of the SAM for future visitors by better revealing the significance of the SAM. I shall return to the heritage balance later in this decision.
59. Turning then to the World War I Cooden Camp. This was a training camp and then the site of a Canadian Red Cross Hospital. Over time it accommodated initially 'Pals Battalions' and later the battalions of 'Lowther's Lambs'. The brave men of these battalions fought at the Somme and Passchendale and few survived. The extent of the original camp covers much of the existing residential streets to the east as far as Cooden Sea Road. The southern section of the appeal site has been identified as the location of the camp parade ground. The remains of the camp are below ground. It is agreed between all parties that any possibility of finding further archaeological remains associated with the Camp can be dealt with by condition securing archaeological works. Any finds do not need to be preserved in situ and Cooden Camp is not a non-designated heritage asset. I see no reason to disagree with any of these agreed points.
60. I do, however, acknowledge the importance of Cooden Camp as a reflection of those in military service, both local and international, who gathered together to train and prepare to fight in a terrible conflict making Cooden Camp of at least County wide importance. That said there is currently nothing that would inform a visitor of the importance, value and purpose of the Camp and those who served there. Maple Walk, Maple Avenue and Maple Close reflect the connection to the Canadian forces link, but this would only be apparent to those who were well informed.
61. Much of the camp now lies below the homes of local residents. Whilst some of the parade ground may lie below the southern section of the appeal site the retention of this as an open space as an expression of the earlier military

³² Framework para 196.

connection I do not find as being a persuasive argument in restricting the development on the appeal site in heritage terms. As previously the naming of streets to reflect the WWI use could highlight the Camps existence in a modern context as would the erection of interpretation boards which would have the benefit of direct education of residents and visitors on the location and purpose of Cooden Camp. This could be included with the CMP.

62. The archaeological exploration secured by condition would be a distinct public benefit in hopefully producing further evidence of this military occupation which would enrich the knowledge relating to the men and women whose journey to the Front began at Cooden and to whom a national debt is owed.

Landscape

63. The appeal site lies within the National Landscape Character Area High Weald (NCA)³³. It is approximately 8.1 hectares of pasture divided into two fields by a central treed bank running from east to west across the site. The appeal site is enclosed to the north, east and west by mature, well established hedgerows including large trees which link through to other wooded boundaries and woodlands. To the south and east of the appeal site the character changes to urban residential development which, whilst many of the immediately adjoining properties are large detached homes on ample plots, there is a mix of dwelling types further up Maple Walk and beyond into the wider expanse of Cooden and Bexhill-on-Sea.
64. As already established the appeal site lies outside of, but abutting this urban area. There is no doubt that the appeal proposal would result in a change from undeveloped to developed land, eroding the surrounding countryside setting of Cooden. The Framework sets out at paragraph 170 that planning decisions should recognise the intrinsic character and beauty of the countryside, amongst other matters.
65. Public footpath 138 crosses the site from east to west and from along this footpath looking north the traveller has in glimpsed distant views an overwhelming awareness of a rural wooded landscape with distant buildings along Barnhorn Road delineating the top of the ridge. However, one is always aware that by just turning slightly in either direction formalised residential development comes into view. The Council describe this as a soft edge. I cannot agree. In general, the houses are large and dominant in surrounding views from the appeal site. They create a strongly defined built up character to this immediate locality and the influence of this adjoining urban area on the appeal site is considerable. Further, the established residential development does detract from the rural character of the adjacent countryside by reason of its scale and visual and physical dominance.
66. The Council suggest the appeal site forms a countryside buffer to the suburban edge of Cooden and the enclosed nature of much of this buffer is part of the character³⁴. I agree the appeal site is enclosed and this sense of landscaped enclosure, compartmentalised by the central dividing hedge, is a dominant characteristic. It sets it apart from the wider countryside setting where external views into the site are very limited and mainly restricted to glimpses through the trees to the northern section which is proposed as open green

³³ CD 9.1.8.

³⁴ Summary proof Pullan para 7.2.

space. Any sense of change in character to this section of the appeal site would be limited. It is proposed to include open ponds as part of the Sustainable Urban Drainage Scheme (SUDS) in this area as well as further planting. Proposed housing would be concentrated in the southern section of the appeal site behind the central banked hedge³⁵ which could be enhanced as part of a detailed landscaping scheme.

67. Views from footpath 125a would be similarly defused by the central banked hedge and its route close to the woodland would limit views of any future development for walkers. Certainly, those using footpath 138 would in the future find themselves enclosed by built development. The nature of the path would change to likely a roadside path, but it may be possible to design in views between buildings out to the northern section of the site and the wider countryside context. I am also conscious that residential development is a dominant southerly visual factor for those currently using the footpath. Clearly a formalised residential scheme would change the character of the footpath route, its immediate surroundings and the experience of the walker in landscape terms.
68. Whether the appeal site could be considered as being tranquil as a characteristic of its countryside location was a matter of contention. I visited the site both during the day and after dark. Both were varying experiences. During the day close to the boundaries with the existing houses the sounds both close-by and distant of urban living were discernible, including road, train and plane noise as well as domestic and garden activities. At night the transport related noise was less pronounced and as the night wore on, I have no doubt, would diminish. Similarly, along the footpath 125a progressing into the northern section of the site, domestic noise would become less discernible. I would certainly agree that the appeal site in comparison to the built-up area of Cooden could be described as being tranquil although I am conscious that any judgement on tranquillity is somewhat subjective and could vary between times of the day, the week, the year and the seasons. Also, this is a pleasant field but being so close to the urban edge of Cooden I would not single it out as being any more tranquil than any other field in a similar location. Nonetheless, I do accept some sense of tranquillity applies to this essentially pastoral field. It is certain that the level of tranquillity in the southern part of the field would be diminished in the circumstances of the development.
69. Framework paragraph 170 refers to decisions protecting and enhancing valued landscapes. The term valued is not defined, but in this appeal both the Council and the Rule 6 Party promote Box 5.1 of the Guidelines for Landscape and Visual Impact Assessment (GLVIA) as being a tool for reaching a view on whether the appeal site is part of a valued landscape. This includes a range of factors that can help in the identification of valued landscapes. Some of these factors have already been considered but in summary:
 - Landscape quality
70. As already identified the appeal site is visually contained within the wider landscape context. The two fields are in a good physical condition, including the boundaries hedges, representative of other similar pastoral fields and of no particular merit beyond the ordinary.

³⁵ Parameters Plan secured by condition 5.

- Scenic quality
71. In this case the appeal site lies within an ordinary, everyday landscape³⁶. Whilst it lies close-by to the Pevensey Levels it is physically and visually separated and does not exhibit the landscape characteristics of this more sensitive landscape. The physical and visual containment of the site further detaches it from any sense of scenic quality in visual terms. In respect of further sensual appreciation in the context of the adjacent urban development of Cooden, the site does not exhibit other strong sensually appreciated characteristics³⁷.
- Rarity
72. As already indicated this is an ordinary edge of settlement field of no rarity value.
- Representativeness
73. The two linked pastoral fields enclosed by thick hedgerows in conjunction with the adjoining woodland connected by tracks and paths are characteristic elements of the High Weald NCA. However, this is not a particularly important example as it lacks a strong relationship with the wider landscape, including AONB.
- Conservation interests/Associations
74. Any elements of ecological value are likely to be retained as the existing hedgerows and treed areas are to form the basis of any landscaping and open space layout details. The only element of archaeological, historic and cultural interest which can be ascribed to the appeal site is the Cooden Camp linkage. I have already considered the heritage value of Cooden Camp. In archaeological terms the remains of the Camp would be explored prior to development and it has already been agreed it is not necessary to retain any remains in situ.
75. In respect of cultural and associative value it is clear that Cooden Camp is of importance. As one of some 6,000 WWI training camps it has left an indelible mark on the locality which is currently appreciated through local knowledge, road names and more physical evidence within the context of a museum. For the well informed the ghost of Parade Ground activities can be appreciated when looking across the southern section of the appeal site. However, this is very much curtailed by the invasion of existing urban development which has already encroached over much of the Cooden Camp site. The open southern field is an expression of the previous occupation of the field by the Camp and all of the men and women who served there, including some of notoriety but others not. This ascribes some value to this part of the appeal site but the significant value is in the knowledge and stories of the Camp and its contribution to a heroic war time struggle which has shaped the lives of following generations.
76. I do acknowledge that the two fields which make up the appeal site do continue to exhibit medieval field patterns, including wooded boundaries. However, this

³⁶ The appeal site lies within the National Character Area Profile 122: High Weald 78% of which lies within an Area of Outstanding Natural Beauty. The appeal site is not included in this nationally designated area.

³⁷ I have considered the dark sky element of the Rule 6 Party case and experienced it myself. However, again I found this not to be an extra-ordinary dark sky area and the intrusion of domestic lighting and the glow from the urban sprawl of Bexhill was discernible. I afford this little weight in respect of evaluating scenic quality.

pattern would still be discernible with the retention of the boundary hedges, including the central banked dividing treed hedge, albeit that one field would be built upon, the subdivision would still persist and be discernible particularly from along Footpath 125a.

- Recreation Value

77. Other than via Public Footpath 138 the appeal site is not accessible to the general public. However, the footpath that crosses the site is well used and links into a network of footpaths which pass through the adjacent woodland and on into the wider countryside. As already described Footpath 138 is strongly influenced by the adjoining residential development in respect of the quality of its experience as a walk through the countryside. However, people are walking the route and in respect of well-being and an opportunity to access the wider countryside the site has recreational value.

- Perceptual aspects

78. The appeal site has few perceptual qualities. Its edge of settlement location where the influence of established urban development is strong confirms the overriding perception of the site as being just that an edge of settlement field. The enclosure of the site creates a perception of separation from the wider countryside and from within the appeal site there are only very limited, glimpsed distant views to allow some sense of placing the appeal site in a context of a rural setting. As already described the site does benefit from a sense of tranquillity. However, this is tempered by the influence of the urban sprawl reducing the quality of the tranquillity of the site, an increasing quality of which can be appreciated when walking north and then west along the footpath network into the Pevensy Levels.

79. So having considered all the elements identified in GLVIA Box 5.1 some have been identified as having value. However, that value whether considered individually or cumulatively does not elevate the appeal site to be a valued landscape in the context of Framework paragraph 170 a), in its own right or as an important contributory part of a wider landscape. However, that does not release the necessity to consider the impact of the proposal on the intrinsic character and beauty of the countryside.

80. Taking into account all of the above elements I conclude that the proposed development would cause some harm by reason of an erosion of the countryside resulting in a loss of its intrinsic character and beauty. It would compromise the terms of CS Policy OSS4 in so far as it relates to development detracting from the character and appearance of the locality, along with CS Policy OSS1 (e) which picks up the reference to giving particular attention to the intrinsic value of the countryside.

Townscape

81. The Council has pursued a point relating to Townscape and I have dealt with it in the context of the submitted Parameters Plan and the description of development being up to 85 units. The Parameters Plan shows a distinct developable area. Framework paragraph 8 b) identifies a Government objective to be pursued of supporting strong and vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. That requires a

mix of housing types to respond to the needs of our communities. The appeal proposal before me is for up to 85 dwellings. It is not for me to set a specific number of units which may be best accommodated on the site. That is a matter for a future decision maker at the reserved matters stage. However, I can consider the impact of developing the appeal site in the context of the Parameters Plan and the design concept expressed within the Design and Access Statement³⁸.

82. It is intended that the appeal site should accommodate a range of types, sizes and tenures of housing, including semi and detached homes. Whilst the properties adjoining Clavering Walk and Maple Walk are large detached houses I do not consider that this immediate character should limit new development to a similar scale and nature. Looking at the wider context of Cooden there is more of a mix of type of homes including smaller properties. This creates an environment that offers housing opportunities for a variety of members of the community in differing circumstances and with differing needs.
83. In the context of the suburban nature of the immediate locality of the appeal site, I see no reason why it would not be possible to design a scheme which would reflect the pleasant sylvan nature of Clavering Walk, along with the individuality of the house types, whilst creating a mixed community to respond to local needs. This would obviously be at a greater density than that of Clavering Walk but at the reserved matters stage the appropriate mix of development can be settled upon in the context of the need to make optimal use of the potential of sites. Nonetheless, a future scheme should contribute positively to the character of the site and surroundings and it will be the responsibility of a future decision maker to secure a scheme of a quality which meets this policy requirement.
84. This conclusion on townscape does not diminish the landscape harm I have already identified.

Impact of the proposal on the integrity of the adjacent European site, the Pevensey Levels

85. The Pevensey Levels has a number of designations, RAMSAR/SAC/SSSI, designated for its international importance as a wetland habitat. The appeal site lies adjacent to but not falling within the European designations. The section of the Pevensey Levels immediately to the west of the proposed development site is currently in use as the Cooden Beach Golf Course.
86. The Pevensey Levels are characterised by low-lying wetland meadows of grazed grassland intersected by a network of ditches which support important assemblages of both fauna and flora, including wetland plants and invertebrates.
87. As the appeal site lies outside of the Pevensey Levels designated site but is sufficiently close that the proposal has the potential to result in likely significant effects on the European sites³⁹, accordingly an Appropriate Assessment is needed⁴⁰. The matter of concern centres on the impact of the proposal on the

³⁸ CD 2.1.6 – it is noted this relates to the earlier scheme of 99 units.

³⁹ There would be a possibility of contaminated run-off reaching the protected site.

⁴⁰ Court of Justice of the European Union (CJEU) judgement *People over Wind and Sweetman v Coillte Teoranta* ECLI:EU:C:2018:244

Levels relating to any potential alterations in hydrology (impacts on water quality or quantity discharging from the site) which could adversely affect discharge into the Levels which ultimately could put the flora and fauna at risk.

88. The following Appropriate Assessment considers the measures of mitigation proposed intended to avoid or reduce effects.
89. I am aware that considerable preliminary work was undertaken between the appellant company, Natural England, the Lead Local Flood Authority (East Sussex County Council), the Pevensey and Cuckmere Water Level Management Board and the Environment Agency. This co-operative approach allowed for an agreed series of technical requirements centring on a suitable drainage strategy, including the provision of a multi-level SUDS treatment train. Details of mitigation measures such as silt traps and clay liners, as well as additional information relating to management of the proposed enhanced SUDS⁴¹ was submitted. Confirmation was given that surface water runoff from all parts of the proposal would pass through the entirety of the proposed enhanced SUDS and three treatment stages. On this basis agreement was reached with Natural England that the proposed development would not affect water quality entering Pevensey Levels SAC. Further all statutory consultees similarly agreed that with the proposed mitigation, the proposed development at the appeal site would not have an adverse effect on the integrity of the Pevensey Levels SAC/RAMSAR site.
90. I have noted that some detail of the formulation of the approach to the drainage strategy, such as ground investigation tests to determine existing levels of the groundwater, and the susceptibility of the proposed impermeable liner to damage from groundwater pressure have not yet been undertaken or determined. However, statutory consultees including Natural England and the Environment Agency have agreed it would be appropriate to reserve these details to the reserved matters stage of the planning process. The appellant company in the context of not having undertaken detailed groundwater monitoring, modelled the worse-case ground water scenario for the assessment. This was accepted by the Council in consultation with the statutory consultees as demonstrating that beyond reasonable scientific doubt it would be possible to deliver a SUDS incorporating 3-4 treatment stages on the site that would mitigate the risk of harm to the SAC/RAMSAR site.
91. In respect of the adequacy of the impermeable liner, following groundwater monitoring undertaken prior to the construction phase, to determine maximum groundwater depth, the clay liner would be designed. This would form part of the detailed design phase and would eliminate the risk of floatation of the feature. Again, this was an approach accepted by the Council and statutory consultees.
92. The alterations to the groundwater recharge potential was also questioned by the Rule 6 Party. Hydrological work was undertaken which concluded that the reduction in the potential recharge is insignificant, with loss in groundwater recharge mitigated via water being directed instead towards the SUDS and then to the Cole Stream which forms part of the Pevensey Levels. A more

⁴¹ The enhanced SUDS would comprise a multi-level treatment train of a series of swales and attenuation basins that would slow and moderate run-off to green field rates, filter and capture sediment and pollutants and enable the temperature of the run-off to reduce to ambient levels. Native species of planting would be used in landscaping to avoid any need for fertilisers. The future management of the SUDS would be drawn up to ensure that drainage strategy continues to fulfil its role for the lifetime of the development.

detailed design would be informed by further hydrogeological assessment at the reserve matters stage. The calculations to date have provided the certainty that the statutory consultees and the Council required. Future survey work would provide informative data to update the final design.

93. From the evidence before me, which I found to be authoritative and convincing⁴², I have no reason to depart from the conclusions of the statutory consultees, particularly those of Natural England and the Environment Agency in respect of the matters raised. The proposed mitigation measures which are included in the S106 Obligation are intended to avoid or reduce the effects. On that basis I consider that the proposed development, beyond reasonable scientific doubt will not have any adverse effect on the integrity of the European sites, either alone or in combination with other plans or projects. In coming to this conclusion I have taken account of the CJEU judgement, the positive response from Natural England and the comments provided by both the appellant company, the Rule 6 Party and the Council.

Public benefits⁴³

94. Delivery of market housing – The agreed position is that the Council can only show a 3.73 years supply of housing land. This amounts to an acute shortage now. The appellant company has indicated that it is highly likely that units could be delivered as early as mid-2021⁴⁴. I consider in these circumstances, this benefit goes beyond that normally ascribed to the provision of market housing. It plays heavily in favour of the proposal.
95. Even if the 3.73 years supply of housing land were not to be the case, the provision of market and affordable housing weighs significantly in favour of the proposal, in the light of the national policy to significantly boost the supply of homes.
96. Delivery of affordable housing (AH) – The proposal would include 30% AH which would be policy compliant, but the Council accept this to be a benefit in the circumstances where AH provision has fallen short of CS expectations.
97. Social benefits – Provision of open space. At present the site offers only limited recreational value. The proposed open space would serve the future residents of the development in respect of enhancing their experience of the countryside as well as their health and well-being. This equally applies to the wider population as access would not be restricted to residents and the network of Public Footpaths would facilitate admittance to this open space currently unavailable to the general public.
Conservation Management Plan – This would provide heritage benefits to the SAM but would also enhance the understanding for the general public of the importance, significance and history of the Manorial moated site. This equally applies to the archaeological excavation of Cooden Camp and the provision of informative boards to enrich directly accessible local knowledge of the Camp.
98. Economic benefits – Future residents would support the local centre of Little Common and the services and shops in the centre of Bexhill on Sea.

⁴² Includes Updated Information to inform a Habitat Regulations Assessment dated May 2019.

⁴³ This is not an exhaustive list – the evidence of Mr Wheeler set them out in more detail in his proof para 3.122 and onwards.

⁴⁴ Condition 2 has been adjusted to reflect this delivery date.

Construction jobs would form part of the short-term benefits as well as increased economic input into the local economy.

99. Environmental benefits – It has been concluded that the appeal site is in a location accessible to services and facilities of an already established settlement. The upgrading of the existing public footpath, encouragement of cycling, implementation of the Travel Plan, along with the provision of the extended bus availability would provide options for other modes of transport other than the car. The proposed highway improvements whilst being mitigating measures for the impact of the proposed development would benefit the wider population in respect of improving highway safety. The proposed open space and intended works of improvement and planting to the existing hedgerows and within the detailed landscape scheme would present a benefit to the ecology and biodiversity of the site.
100. All of these benefits weigh positively in favour of the proposal in the balance of this decision. That planning balance will be applied shortly.

Conditions

101. A range of conditions was discussed and agreed (without prejudice) at the Inquiry. I have made minor amendments in the interest of precision.
102. Only conditions which are formally required to be discharged prior to works commencing on site have been promoted as pre-commencement conditions. These have been agreed by the appellant company as a party to the agreed schedule of conditions. These are imposed as they involve details to be approved for the arrangements of the work on site.
103. Given the outline nature of the proposal, the first three conditions are required by law, and a number of reserved and other matters need to be submitted for approval, in accordance with the approved plans and the Parameters Plan.
104. The approved plans need to be identified to avoid confusion.
105. The locality has been identified as having some possible archaeological interest, particularly in relation to Cooden Camp. Therefore, conditions requiring a programme of investigation are justified. The need to mark the history and importance of the Camp is also necessary and a condition securing this is justified
106. In the interests of both the amenities of nearby residents as well as maintaining the free flow of traffic and safeguarding highway safety in the locality, a condition relating to a Construction Traffic Management Plan is required. Hours of working are restricted to similarly safeguard residential amenity.
107. In order to protect the delicate balance of the Pevensey Levels SAC/RAMSAR/SSSI, particularly in relation to accidental contamination or damage a Construction Environmental Management Plan is justified and land contamination as an unknown is similar necessary to control. The Construction Biodiversity Management Plan along with the Ecological Design Strategy also are required to properly ensure the protection of protected species/habitats.

108. To secure the satisfactory drainage of the site in the context of the adjacent European site, the general surroundings and any flood risk, details of foul and surface water drainage are required to be submitted and agreed. Finished floor levels are also required to be agreed in the interests of avoiding the consequences of flooding.
109. A condition to secure the highway mitigation works is required to ensure the development can be satisfactorily accommodated within the highway network. Other highway conditions seek to secure the provision of useable access by vehicles to serve individual dwellings in the interests of highway safety and management and residential amenity.
110. In the interests of landscape character, biodiversity, visual and residential amenity and for the avoidance of doubt a detailed hard and soft landscape scheme dealing with the public realm should be required. This includes a condition relating to the protection of existing trees and hedgerows. The submission and agreement to a Landscape and Ecology Management Plan is also justified in the interests of the long-term well-being and retention of the landscaping and to continue to protect and enhance the ecological value of the wetland features of the site.
111. The Council has requested further conditions be imposed in respect of detailed matters which could be dealt with at reserved matters stage. The appellant company should nonetheless note the relevant requirements of the DSALP in designing the next phase of the development.

Obligations⁴⁵

112. A certified copy of the Unilateral Undertaking⁴⁶ under section 106 of the Town and Country Planning Act 1990 has been submitted covering the following matters:
- Affordable housing
 - Green Infrastructure including management
 - Conservation Management Plan
 - Sustainable Urban Drainage System
 - Highway works
 - Travel Plan
113. All of the above provisions are considered to be necessary, in order to make the development acceptable taking into account the terms of the CIL Compliance Statement.

Heritage balance

114. Having assessed the impact of the proposal in heritage terms it is necessary to undertake a separate heritage balance in accordance with the Framework paragraph 196. In doing so I am conscious that great weight and considerable importance should be given to the asset's conservation⁴⁷. With this already in

⁴⁵ Inquiry Doc 26 refers.

⁴⁶ Dated 10 December 2019.

⁴⁷ Framework para 193.

the balance having found that there would be harm to the SAM as a designated heritage asset, albeit limited harm at the very lowest end of the sliding scale of less than substantial harm, this too needs to be weighed in. However, the identified public benefits of the appeal proposal do present cumulatively considerable weight to be added in the heritage balance.

115. I am satisfied that the public benefits set out above are cumulatively of considerable weight particularly taking into account the wider public benefits of the mitigating measures within the Conservation Management Plan⁴⁸. This heritage balance tips in favour of the proposal, the public benefits outweighing the identified heritage harm.

Planning balance and conclusion

116. As already indicated above the tilted balance of paragraph 11 of the Framework has been engaged due to the relevant policies in relation to the provision of housing being out of date. It is now necessary to consider what needs to go into the various sides of the balance.
117. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework which is of course a material consideration to which substantial weight should be attached.
118. It has already been established that the appeal site lies outside of the settlement boundary for Cooden, Bexhill-on-Sea which is to be the main focus of development within the Development Plan. Due to the lack of a five-year housing land supply CS Policies OSS1 & OSS2 have been found to be out of date. This reduces the weight to be ascribed to them as Development Plan policies it does not neutralise them. The harm to the conflict with the Development Plan by reason of an 'at face value' breach of CS policy does go into the negative side of the balance, but in the circumstances of this case can only be ascribed limited weight.
119. Some harm has been identified to the living conditions of existing residents which whilst not offensive to Development Plan policy or National guidance does add slightly more than limited harm to the balance.
120. The heritage harm also needs weighing in although that too is only of limited weight taking into account the proffered mitigation.
121. The identified landscape harm by reason of an erosion of the countryside resulting in a loss of its intrinsic character and beauty does carry considerable weight⁴⁹.
122. In the other side of the balance is the presumption in favour of sustainable development. Added to this are all the benefits set out above, the most weighty of which include the provision of much needed housing in this constrained District⁵⁰, in an area with access to existing services, recognising the significant role the delivery of housing has in the sustainable economic well-being of the District. Also given the national objective of significantly

⁴⁸ Through the UU.

⁴⁹ This is an additional harm to that of the conflict with Development Plan policy.

⁵⁰ Both nationally and internationally designated areas of nature conservation value

boosting the supply of homes, the provision of market and affordable housing carries significant weight.

123. So, taking all of the elements in the balance into account I find that the side of the balance in favour of the proposal⁵¹ prevails as the identified harms in combination do not significantly and demonstrably outweigh the benefits of the scheme.

124. Consequently, for the reasons given above I conclude that the appeal should be allowed.

Frances Mahoney

Inspector

⁵¹ The totality of the weight in combination of the harms.

SCHEDULE OF CONDITIONS

1. Before any part of the approved development is commenced approval of the details of the appearance, landscaping, layout and scale of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 18 months from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: S101 B site location plan received 18/12/2018; and Proposed Site Access Ref 180300-01A.
5. The development hereby permitted shall be carried out in broad conformity with the Parameters Plan Dwg No 6564/ASP1 Rev B.
6. The Reserved Matters shall be accompanied by full details of existing and finished ground levels and finished ridge heights within the development. The development shall be carried out in accordance with the approved details.
7. Prior to commencement of development, including any works of site clearance, a programme of archaeological works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of archaeological investigation shall then be implemented strictly as approved.

8. No part of the development shall be occupied until the archaeological investigation and the post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed and approved by the Local Planning Authority. The archaeological site investigation assessment shall be undertaken in accordance with the programme set-out in the written scheme of investigation approved under Condition 7.
9. Prior to commencement of the development and subsequent to the approved archaeological site investigation a Construction Method Statement to show the preservation in site of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
10. No development shall take place, until a Construction Traffic Management Plan (CTMP) 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:
 - a) the anticipated number, frequency and types of vehicles to be used during construction,
 - b) no deliveries to and from the site before 09.00 and after 17.00 hours on any permitted working day (see condition 20);
 - c) the method of access and egress and routeing of vehicles, including construction vehicles, site operatives and visitors during construction;
 - d) the parking of vehicles by site operatives and visitors,
 - e) the loading and unloading of plant, materials and waste,
 - f) the storage of plant and materials used in construction of the development,
 - e) the erection and maintenance of security hoardings,
 - g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction traffic upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - h) details of public engagement both prior to and during construction works,

- i) contact details of site manager during construction period and details of how this will be advertised.

11. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will include the following details:

- a) results of a full site investigation that has been carried out to identify any potential sources of contamination and proposals for appropriate safeguards to ensure that no contamination is transferred to be implemented throughout the construction works;
- b) details of the source of any inert fill material for land raising including evidence to demonstrate that it is free from contaminants that could potentially enter the Pevensey Levels;
- c) include, but not be limited to, the measures set out in paragraph 6.2.2 of the Updated Information to inform a Habitats Regulations Assessment, May 2019 (UIIHR) and, in particular, set out the measures necessary to prevent silt entering the SAC/Ramsar and avoid water quality impacts on the Pevensey levels during the construction phase.
- d) detailed measures to manage flood risk, both on and off the site, during the construction phase;
- e) complaints and public consultation procedure.

Thereafter the construction of the development shall be carried out strictly in accordance with the approved CEMP.

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy and timetable detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

13. No development shall take place (including ground works and vegetation clearance) until a Construction Biodiversity Management Plan (CBMP) has

been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities upon biodiversity;
- b) identification of "biodiversity protection zones";
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce biodiversity impacts during construction (may be provided as a set of method statements), with particular regard to dormice, badgers and nesting birds;
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CBMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

14. No development shall take place until an Ecological Design Strategy (EDS) in general accordance with Part 6 of Aspect Ecology's Ecological Appraisal dated November 2018 project No.ECO-5335 and addressing the creation of new wildlife features, the restoration and enhancement of semi-natural habitats and the provision for wildlife corridors, linear features and habitat connectivity

has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- i. purpose and conservation objectives for the proposed works;
- ii. review of site potential and constraints;
- iii. detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. extent and location/area of proposed works on appropriate scale maps and plans;
- v. type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. timetable for implementation;
- vii. persons responsible for implementing the works;
- viii. details of initial aftercare and long-term maintenance by the residential management company;
- ix. details for monitoring and remedial measures;
- x. details for disposal of any waste arising from the works;
- xi. details of interpretation facilities including signage and information boards.

In particular, the EDS shall incorporate details of external lighting in public areas for the site and shall:

- i. identify those areas/features on site that are particularly sensitive for bats, badger and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging; and
- ii. show how and where external lighting in public areas will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

The EDS shall be implemented as approved. Under no circumstances should any other external lighting in public areas be installed without the prior consent from the LPA.

15. No development shall commence until a Tree/Hedgerow Protection Plan providing details for the protection of existing trees, hedgerows and the existing bank to be retained on the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the particular trees and hedgerows to be retained and shall include the locations proposed for protective fencing and ground protection, which shall include no dig surface construction methods where appropriate.

The approved protection measures shall be put in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained in situ until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

In particular:

- (a) No fire shall be lit within 10 metres from the outside of the crown spread of any tree which is to be retained;
- (b) No equipment, machinery or structure shall be attached to or supported by a retained tree;
- (c) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

The development shall be implemented in accordance with the approved details.

16. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the approved drainage works to serve the development have been satisfactorily provided.

Should a pumping station be required, the scheme for the provision of foul water drainage works shall include details of a back-up pump to safeguard in the event the primary pump fails.

17. No development shall take place until details of the Surface Water Drainage have been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until groundwater level monitoring is undertaken to evaluate whether groundwater levels will impact upon the overall design and safe working of the SuDS. Groundwater monitoring should be undertaken over a suitable timeframe to be agreed with the Council in writing but will include December to November. The results of the monitoring must be used to inform the SuDS design.

The detailed Surface Water Drainage Scheme shall be designed following the principles set out in Ardent Consulting Engineers Flood Risk Assessment report ref: 180300-01 dated November 2018, Flood Risk Addendum dated 11th March 2019 and Flood Risk Addendum 2 dated 15th May 2019 and include the following details:

- i. interim measures during the construction period to avoid adverse impacts on the water environment;
- ii. measures to avoid drainage onto and from the highway;
- iii. the operation of the SuDS to maintain the quality and quantity of the surface water run-off entering the Cole Stream and the Pevensey Levels;
- iv. If required, details of works to the western ditch to maintain water levels.

The development shall be carried out in accordance with the approved details and no dwelling shall be occupied until the drainage works to serve the development have been completed and are operating satisfactorily. The surface drainage works shall be retained and operational thereafter.

18. Prior to first occupation of each dwelling, the new estate road[s] required to access that dwelling shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority.

19. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 180300-01, November 2018), Flood Risk Assessment Addendum dated 11th March 2019 and Flood Risk Assessment Addendum 2 dated 15th May 2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.1m above Ordnance Datum (AOD), as specified in paragraph 8.6 of the FRA;

These mitigation measures shall be fully implemented prior to first occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

20. Construction activities, including piling, associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

21. No part of the development shall be occupied for its permitted use until the highway mitigation works as shown on drawing no. 180300-003 Rev F dated 04/09/2019 have first been provided in accordance with the approved drawing.

22. The landscape reserved matters to be submitted pursuant to condition 1 shall include full details of the hard and soft landscape proposals including timetable for implementation for the development shall be submitted to and agreed in writing by the Local Planning Authority. These details shall be in general accordance with the Landscape Strategy Plan 6564/ASP4 and shall include:

Hard Landscaping

- the means of enclosure of the site generally and individual plots, including the design and location of acoustic fencing;
- the provision and layout of car-parking areas;
- the details of the pedestrian and cycle route to Maple Walk from the site, which shall be retained only for use by pedestrians and cycles in perpetuity;
- the materials proposed for hard-surfacing;
- details of all minor structures proposed in the public-realm (including street-furniture, play-equipment, refuse or other storage units, signage);

Soft Landscaping

- detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate;
- the detail of any ancillary operations proposed as part of the soft landscaping proposals for the site, including the mounding or contouring of the land;
- the detail of all new trees, including their species, sizes, quantity, positions, the time of planting and how they will be protected and maintained until successfully established in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".

Details of the measures to be employed to ensure the successful establishment of all planting, including new trees, and its maintenance into the future for a period of five years from the date of the planting being undertaken shall also be provided. Regard shall be had the measures suggested in BS 8545:2014 "Trees: From Nursery to Independence in the Landscape – Recommendations".

All hard and soft landscaping works shall be undertaken in accordance with the approved landscaping works. Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority.

23. No part of the development shall be occupied until an appropriate vehicle turning head/space has been constructed within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved turning head shall thereafter be retained at all times for this use and shall not be obstructed.
24. Prior to first occupation a Landscape and Ecology Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP, which will ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the wetland features of the site, including the proposed new wetland and swales, shall include, but is not confined to the following elements:

- details of new wetland and swales;
- details of management responsibilities.
- floodplain meadows species as part of the wildflower grassland proposals;
- retention of the existing watercourses and new swales and ditches;

- provide for connectivity to adjacent watercourses to enhance the potential for breeding and dispersal of reptiles and amphibians on and around this site and to adjacent habitat;

The LEMP shall be carried-out as approved and any subsequent variation shall be agreed in writing by the Local Planning Authority.

25. Prior to the commencement of development a scheme of recognition measures of the former use of the site as part of the WWI Cooden Camp shall be submitted to the Local Planning Authority for approval. This scheme could include measures such as interpretation boards and street naming. The approved measures shall be implemented prior to occupation of the first residential dwelling.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Langham of Counsel

He called

Terry Hardwick

Contracted Planning Consultant to the Council

Virginia Pullan

County Landscape Architect East Sussex County Council

BELLWAY OPPOSITION ACTION GROUP (RULE 6 PARTY)

Giles Atkinson of Counsel

He called

David Walker

Hydrogeologist and Environmental Consultant

Christine Forster

Heritage

David Walpole

Highways Consultant

Neil Williamson

Landscape

FOR THE APPELLANT:

Hashi Mohamed Of Counsel

He called

Adrian Braun

Highways

Peter Sparham

Hydrology

Conor Lydon

Hydrogeology

Alistair Baxter

Ecology

Lee Dursley

Noise

Liz Vinson

Heritage and Archaeology

Ben Wright

Landscape

Kieran Wheeler

Planning

INTERESTED PARTIES

Cllr Kathy Harmer	District Council member for St Mark's Ward Bexhill
Dr David Knell	GP Bexhill-on-Sea
David Beales	Bexhill Heritage
Geoffrey Lawson	Local Resident and representing some residents of Maple Walk – Highways
Hugh Stebbings	Hydrology
John Harmer	East Sussex Ramblers Association
Stephen Shaw	Local Resident speaking on behalf of Ms Franklin
Michael Harrison	Local Resident
Keith Drysdale	Local Resident
Graham Stone	Local Resident
David Aldwinckle	Local Resident
Philip Mears	Local Resident
Julie Church	Local Resident
Michael Varney	Local Resident

INQUIRY DOCUMENTS LIST

Document Number	Document Title
1	List of Draft Conditions dated 18 th November 2019
2	Appeal Decision Reference: APP/U1430/W/17/3191063 regarding residential development at Land South of Barnhorn Road
3	Archaeology Collective map of Listed Buildings in the area 19 th November 2019
4	Mr Richard Langham Opening Statement on behalf of the LPA
5	Mr Giles Atkinson Opening Statement on behalf of the Rule 6 Party
6	Mr Hashi Mohamed Opening Statement on behalf of the Appellant
7	Third Party Statement – Muriel Franklin
8	Third Party Statement – Stephen Shaw
9	Third Party Statement – Michael Harrison
10	Third Party Statement – Keith Drysdale
11	Third Party Statement – Graham Stone
12	Third Party Statement – David Aldwinckle
13	Third Party Statement – Philip Mears
14	Bexhill Heritage Statement – David Beales
15	Inspector's Report on the Development and Site Allocations Plan dated 5 th November 2019
16	Hastings Observer Homes Extract
17	Third Party Statement – John Harmer on behalf of East Sussex Ramblers Association
18	Bexhill Heritage Statement – David Beales
19	Third Party Statement – Hugh Stebbing
20	Email from Samantha Gibbs to Historic England on 10 th June 2019
21	RDC Landscape Assessment 2008 Volumes 1 and 2

22	Mr Richard Langham Closing Statement on behalf of the LPA
23	Mr Giles Atkinson Closing Statement on behalf of the Rule 6
24	Mr Hashi Mohamed Closing Statement on behalf of the Appellant
25	Rule 6 Party comments on the final version of the draft conditions
26	Certified copy of the completed Unilateral Undertaking dated 10 December 2019
27	Comments of the Council following the adoption of the Development and Sites Allocation Local Plan on the 16 Dec 2019
28	Comments of the Rule 6 Party following the adoption of the Development and Sites Allocation Local Plan on the 16 Dec 2019

Appendix A.2: Woodfield – Application Ref: UTT/22/1802/FUL



UTTLESFORD DISTRICT COUNCIL

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Mr Kieran Wheeler
Savills
33 Margaret Street
London
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Dated: 17 May 2024

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/22/1802/FUL

Applicant: Bellway Homes Ltd, Mr Christopher Trembath And Mr Timothy Tr

Uttlesford District Council **Grants Permission** for:

120 dwellings (Class C3), car parking, landscaping, play area and associated infrastructure. at Wood Field (land Adjoining 'Land West Of Woodside Way') Dunmow

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
AFORDABLE HOUSING SCHEDULE	Other	04/07/2022
2108181-010	Drainage	30/06/2022
2108181-020	Other	30/06/2022
BW193B-BC-01	Combined	30/06/2022
BW193B-GR-01	Combined	30/06/2022
BW193B-GR-02	Combined	30/06/2022
BW193B-HA-BAB-02	Combined	30/06/2022
BW193B-HA-BAC-03	Combined	30/06/2022
BW193B-HA-FYB-02	Combined	30/06/2022
BW193B-HA-HA50A-01	Combined	30/06/2022



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BW193B-HA-HA70B-02	Combined	30/06/2022
BW193B-HA-PWA-02	Combined	30/06/2022
BW193B-HA-TIA-01	Combined	30/06/2022
BW193B-HA-TIB-02	Combined	30/06/2022
BW193B-HT-ARA-01	Combined	30/06/2022
BW193B-HT-ARB-02	Combined	30/06/2022
BW193B-HT-CSA-01	Combined	30/06/2022
BW193B-HT-CSB-02	Combined	30/06/2022
BW193B-HT-FMA-01	Combined	30/06/2022
BW193B-HT-FMB-02	Combined	30/06/2022
BW193B-HT-FMC-03	Combined	30/06/2022
BW193B-HT-FMD-04	Combined	30/06/2022
BW193B-HT-HIA-01	Combined	30/06/2022
BW193B-HT-HIB-02	Combined	30/06/2022
BW193B-HT-HIC-03	Combined	30/06/2022
BW193B-HT-HID-04	Combined	30/06/2022
BW193B-HT-JAA-01	Combined	30/06/2022
BW193B-HT-JEA-01	Combined	30/06/2022
BW193B-HT-LUA-01	Combined	30/06/2022
BW193B-HT-MNA-01	Combined	30/06/2022
BW193B-HT-PGA-01	Combined	30/06/2022
BW193B-HT-REA-01	Combined	30/06/2022

BW193B-HT-SRA-01	Combined	30/06/2022
BW193B-PL-01	Combined	30/06/2022
BW193B-SC-05	Other	30/06/2022
BW193B-ST-01 A	Other	30/06/2022
BW193B-ST-02 A	Other	30/06/2022
BW193B-ST-03 A	Other	30/06/2022
BW193B-ST-04 A	Other	30/06/2022
BW193B-ST-05 A	Other	30/06/2022
PR227-02A	Other	30/06/2022
BW193B-SUB-01	Combined	30/06/2022
PR227-03A	Other	30/06/2022
BW193B-PL-08 C	Other	05/10/2022
BW193B-PL-09 C	Other	05/10/2022
BW193B-PL-10 C	Other	05/10/2022
PR227-02 D	Landscape Details	05/10/2022
BW193B-PL-04 C	Other	05/10/2022
REVISION TO PROPOSED LANDSCAPING TO MITIGATE RISK OF BIRD STRIKE	Other	05/10/2022
BW193B-PL-02 D	Other	05/10/2022
BW193B-PL-03 C	Other	05/10/2022
BW193B-PL-05 C	Other	05/10/2022
BW193B-PL-06 C	Other	05/10/2022
BW193B-PL-07 F	Other	04/11/2022
URBAN DESIGN	Other	19/10/2022

ASSESSMENT

BW193B-HA-2BBA-01_A	Combined	08/11/2022
BW193B-HA-2BBB-02_A	Combined	08/11/2022
W193B-HA-HA70A-01_B	Combined	08/11/2022
PR227-01 H	Landscape Details	15/11/2022

Permission is granted with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
- 3 No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.
- 4 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 5 No development shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in condition 4 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 6 A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation as detailed in condition 5.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 7 No development can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

- 8 The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- o The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
- o No waste materials should be burnt on the site, instead being removed by licensed waste contractors.
- o Prior to the commencement of works a Dust Management Plan shall be submitted to and approved by Regulatory Services. Work shall be undertaken in accordance with the approved plan which should make reference to current guidance on the Assessment of Dust from Demolition and Construction - Institute of Air Quality Management or an acceptable equivalent.

- o Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974);
- o Hours of works: works should only be undertaken Monday - Friday 7.30am - 6pm , Saturday 7.30am - 1pm, Sunday and Bank Holidays. No work where noise is audible at the site boundary. (this is notwithstanding any Prior Consent that exists for the site under section 61 of the Control of Pollution Act 1974).
- o the parking of vehicles of site operatives and visitors,
- o loading and unloading of plant and materials,
- o storage of plant and materials used in constructing the development,
- o wheel and underbody washing facilities.
- o Routing strategy for construction vehicles
- o Protection of any public rights of way within or adjacent to the site
- o It is noted that that the construction access will be through a development on roads that may not be adopted at the time construction starts. The plan should state how any damage by construction vehicles on newly built roads will be monitored and remedied.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Uttlesford Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

- o Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.
- o Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.
- o Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.
- o Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained.
- o All site lighting shall be located, shielded or angled in a manner that does not cause disturbance, alarm or distress to occupants of any nearby dwellings.
- o Construction and Demolition shall also be done in accordance with "London Good Practice Guide: Noise & Vibration Control for Demolition and Construction" by The London Authorities Noise Action Forum, CIEH, Arup and AECOM.
- o Where there any reclamation and storage of soils it shall be done in accordance with instructions from the Environment Agency including Environmental Permitting requirements. The applicant should take note that: Prior to commencement soils for storage must be classified before the waste is moved, stockpiled, reused, and disposed (hereafter referred to as 'stockpiling') of in accordance with the Guidance on the classification and assessment of waste (1st Edition v1.1) Technical Guidance WM3 (EA, NRM, SEPA, NIEA, 2018) (or 'WM3'). Representative samples of soils must be undertaken in accordance with Appendix D of WM3 and presented to the local authority and other responsible authorities for approval prior to stockpiling.
- o Prior to stockpiling the quality and condition of soils used for stockpiling must be approved by and in accordance with the Environment Agency.
- o Prior to the commencement of work a method statement must be provided to the local authority for approval to prevent the pollution

of ground and surface waters. This will also include during works and the location of any hazardous materials including fuel from vehicles and equipment.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of surrounding locality residential/business premises, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1, GEN2 & GEN4 of the Adopted Local Plan and the NPPF.

- 10 Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works detailing the flow rates and pump station design shall be submitted to and approved in writing by the Local Planning Authority. The foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme, prior to the first occupation of the development.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11 Prior to the commencement of any works, an air quality assessment and report shall be undertaken and submitted and approved by the Local Planning Authority. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards and the UDC Air Quality Technical Planning Guidance 2018 for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact on the surrounding locality of the development and the operation of the development on the local environment including during construction. The assessment report should comply with requirements of the EU Directive 2008/50/EC, the Air Quality Standards Regulations 2010.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 13 Prior to the commencement of any phase of the development hereby permitted a Site Waste Management Plan shall be submitted to and approved by the local planning authority. Subsequently the development shall be carried out in accordance with the approved plan.

REASON: In the interests of protecting the residential amenity of the nearby residential properties, in accordance with adopted Uttlesford Local Plan Policy GEN4.

- 14 With the exception of dwellings that are to be constructed to wheelchair accessible and adaptable dwellings (M4(3) - Building Regulations 2010, the remaining dwellings permitted by this planning permission shall be carried out so that the requirements of paragraph M4 (2) of Schedule 1 to the Building Regulations 2010 (category 2- accessible and adaptable dwellings) are satisfied.

REASON: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy GEN2 of the Uttlesford Local Plan 2005.

- 15 Prior to first occupation of the development, the access, as shown in principle on submitted drawing BW193b-PL-03 Rev C shall be provided, including raised table and crossing for pedestrians and cyclists to join off road facility.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 16 Prior to first occupation of the development, details of a controlled crossing point (such as a zebra crossing) to be provided on the main spine road to the south of the site in the vicinity of the bus stops, shall be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to the first occupation of the development.

REASON: To provide a safe, convenient crossing point for residents of the site to access public transport, community facilities to the south of the site and Great Dunmow town centre to promote active travel in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 & DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 18 Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 19 Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with policy DM1 AND DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 20 Prior to first use of the Children's Play Area, details of a secure cycle parking in the form of a minimum of 3 Sheffield type stands shall be submitted to and approved in writing by the local planning authority. Cycle parking shall be implemented in accordance with the approved details and retained as long as the Play Area is in use.

REASON: To ensure appropriate bicycle parking is provided to promote active travel in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21 Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 22 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment Rev C (SES, October 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide onsite ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 23 A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
 - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
 - c) locations of the compensation measures by appropriate maps and/or plans;
 - d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 24 Prior to the commencement of works, A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include impacts upon adjacent Local Wildlife Sites, Priority habitat and ancient woodland.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework

- 25 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 27 Prior to any installation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 28 The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - it is necessary to manage the development in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Stansted Airport through the attractiveness of species of birds that are hazardous to aircraft.

- 29 No dwelling shall be occupied until the details of noise mitigating measures have been submitted to and approved in writing by the Local Planning Authority. The measures of the scheme shall include:

Details sufficient to achieve the internal noise levels recommended in BS 8233:2014 and for individual noise events to not normally exceed 45 dBLA_{max}, including the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers.

If the internal noise limits can only be achieved with closed windows, then enhanced ventilation should be provided to allow residents to occupy the properties at all times with windows closed, as required to maintain thermal comfort. Noise from the system shall not present an adverse impact on occupants. The alternative means of ventilation shall enable optimum living conditions for heating and cooling in all weather and with reference to climate change predictions and as a minimum must comply with Building Regulation approved document F.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with policy ENV10 which requires appropriate noise mitigation and sound proofing to noise sensitive development.

- 30 Prior to the occupation of any dwelling further assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

The area surrounding the detection of the positive asbestos be subject to additional shallow soil sampling during further works, to screen for the presence of asbestos fibres, in support of potentially reducing or removing the residual risks at the site.

Supplementary investigations to carry out additional environmental screening of the topsoil/ made ground in order to increase the sample dataset, provide targeted assessment where asbestos fibres have been identified to delineate risks, in order to robustly characterise the environmental status of the site and advise clarify any remedial requirements.

A programme of ground gas monitoring shall be submitted and approved by the Local planning Authority to robustly assess the ground gas regime at the site and to confirm/ discount any requirements for future protection measures.

If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 31 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment ref 2108181 dated June 2022 by Ardent Consulting Engineers. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 32 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 33 The applicant or any successor in title must maintain yearly logs of maintenance of the surface water and drainage scheme which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure an adequate level of surface water and drainage scheme is provided to minimise the risk of on and off-site flooding in accordance with policy GEN3 of the Adopted Local Plan and the NPPF.

- 34 Prior to the first occupation of a residential unit, the spine road through the development known as Land West of Woodside Way including the bus stops closest to the site, and the access onto Woodside Way; the signalised crossing of Woodside Way; the footway/cycleways on Woodside Way and the residential road between the spine road and the access point are constructed and available for use.

REASON: To ensure that pedestrians, cyclists and vehicles can access the site and surrounding area from the site, in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV5 - Protection of agricultural land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H1 - Housing development	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H9 - Affordable Housing	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
H10 - Housing Mix	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GDNP - Town Development Area	Great Dunmow Neighbourhood Plan	
GDNP - Land West of Woodside Way	Great Dunmow Neighbourhood Plan	
GDNP - Building for Life	Great Dunmow Neighbourhood Plan	
GDNP - Hedgerows	Great Dunmow Neighbourhood Plan	
GDNP - Eaves Height	Great Dunmow Neighbourhood Plan	
GDNP - Rendering, Pargetting, Roofing	Great Dunmow Neighbourhood Plan	
GDNP - Integration of Affordable Housing	Great Dunmow Neighbourhood Plan	
GDNP - Local Housing Needs	Great Dunmow Neighbourhood Plan	
GDNP - Landscape, Setting and Character	Great Dunmow Neighbourhood Plan	
GDNP - Public Transport	Great Dunmow Neighbourhood Plan	
GDNP - Integrating Develop(Paths & Ways)	Great Dunmow Neighbourhood Plan	

GDNP - Public Transport	Great Dunmow Neighbourhood Plan
GDNP - Infrastructure Delivery	Great Dunmow Neighbourhood Plan
GDNP - Identified Sites	Great Dunmow Neighbourhood Plan
GDNP - Wildlife Corridors	Great Dunmow Neighbourhood Plan
GDNP - Street Trees on Development Sites	Great Dunmow Neighbourhood Plan
GDNNP - Screening	Great Dunmow Neighbourhood Plan
GDNP - Children's Play Space	Great Dunmow Neighbourhood Plan

National Planning Policy
Framework December 2023

Notes:

- 1 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.

- 2
 - 1) This permission does not incorporate Listed Building Consent unless specifically stated.
 - 2) The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.
 - 3) The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.
 - 4) The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).
 - 5) It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.
 - 6) Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.
 - 7) Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.
 - 8) If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.

9) Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.

10) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land 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 Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

11) Working in close proximity to live overhead lines:

The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines"

UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.

Appeals to the Secretary of State

1) If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2) The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

3) The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

4) If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

A handwritten signature in dark ink, consisting of a series of loops and a trailing line.

Dean Hermitage
Strategic Director of Planning

Appendix A.3: Shoeburyness – Application Ref: 20/01227/OUTM

Southend-on-Sea Borough Council

Deputy Chief Executive,

Executive Director (Growth and Housing) : Andrew Lewis

📍 Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ER

📞 01702 215000

🌐 www.southend.gov.uk

Working to make
lives better
www.southend.gov.uk



Mrs Claire Wilkinson
Lanpro Services
Unit 11 The Aquarium
101 Lower Anchor Street
Chelmsford
Essex
CM2 0AU

Our ref: 20/01227/OUTM
Dated: 26th February 2021

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

Proposal:

ERECT UP TO 214 RESIDENTIAL UNITS (USE CLASS C3), PROVISION OF A NEW HEALTH CENTRE UP TO 1000SQM (USE CLASS D1), UP TO 400SQM OF RETAIL FLOORSACE (USE CLASS A1-A3), LAND RAISING, ALL ASSOCIATED CAR PARKING, NEW FOOT AND CYCLE PATHS, PUBLIC OPEN SPACE, LANDSCAPING AND ANCILLARY WORKS AND INFRASTRUCTURE, INSTALL VEHICULAR ACCESS OFF BARGE PIER ROAD, NEW GARRISON ROAD AND MAGAZINE ROAD (OUTLINE APPLICATION)

Location:

**LAND BETWEEN BARGE PIER ROAD AND NESS ROAD SHOEBOURNESS
SOUTHEND-ON-SEA ESSEX**

Applicant: Mr Paul Denney Wilkinson

Southend-on-Sea Borough Council, as the Local Planning Authority, having considered the application described above and specified in the application received on 29th July 2020 has reached the following decision:

Grant Conditional Permission

Subject to the following conditions:

- 01 Details of the appearance, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved under the reserved matters. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 (three) years from the date of this permission. The development hereby permitted shall begin

not later than 2 (two) years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and because the application is for outline planning permission only and the particulars submitted are insufficient for consideration of details mentioned.

- 02 No development, other than site preparation works and any works required to comply with requirements of other conditions on this permission, shall take place on site until a phasing plan has been submitted to and approved in writing by the local planning authority. Following approval of the plan, each phase shall be completed in accordance with the plan before the next phase commences.

Reason: To ensure a coordinated development that complies with the National Planning Policy Framework (NPPF) and the requirements of the local development plan.

- 03 The development shall be carried out in accordance with the approved parameter plans which set out the parameters for the heights and levels of the development, the locations of the different uses across the site, the landscaping and the access and movement arrangements for the site: 032-S2-P403-E, 032-S2-P402-E, 032-S2-P401-D, 032-S2-P001-C, 2166-00-20-B.

Reason: To ensure the development is carried out in accordance with the development plan.

- 04 The development hereby approved shall include no more than 214 dwellings, no more than 1,000sqm health centre (Use Class D1) and no more than 400sqm of commercial floorspace (Use Classes A1, A2 or A3).

Reason: To define the scope of the permission and to ensure that the development meets the requirements of the Development Plan.

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until full details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings at the site including facing materials, roof detail, windows (including sections, profiles and reveals), doors, balustrading, fascia and balconies have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved details before the dwellings or non-residential parts of the development hereby approved are first occupied or brought into use.

Reason: To safeguard character and appearance of the area and the visual amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 06 Notwithstanding the details shown in the plans submitted and otherwise hereby approved none of the buildings hereby granted planning permission shall be occupied unless and until plans and other appropriate details are submitted to the

Local Planning Authority and approved in writing which specify the size, design, obscurity, materials and location of all privacy screens to be fixed to the proposed buildings. Before a building hereby approved is occupied the building shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 07 Notwithstanding the information submitted with the application, no development other than moving of on-site spoil heaps, shall be undertaken, unless and until a field investigation including a programme of archaeological recording and analysis, a watching brief and details of the measures to be taken should any archaeological finds be discovered, has been submitted to and approved in writing by the local planning authority. The approved recording/watching brief and measures are to be undertaken throughout the course of the works affecting below ground deposits and are to be carried out by an appropriately qualified archaeologist. The subsequent recording and analysis reports shall be submitted to the local planning authority before the development is brought into first use.

Reason: Required to allow the preservation by record of archaeological deposits and to provide an opportunity for the watching archaeologist to notify all interested parties before the destruction of any archaeological finds in accordance with the National Planning Policy Framework (2019) and Policy DM5 of the Development Management Document (2015).

- 08 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 09 No development shall take place, including any works of demolition, unless and until a Demolition and Construction Management Plan and Strategy to include Noise and Dust Mitigation Strategies has been submitted to, and approved in writing by the local planning authority. The approved Demolition and Construction Management Plan and Strategy shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding
 - v) measures to control the emission of dust, dirt and noise during construction

- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.
- vii) a dust management plan to include mitigation and boundary particulate monitoring during demolition and construction.
- viii) details of the duration and location of any noisy activities.

Reason: This is required in the interests of the amenities of nearby and surrounding occupiers pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

- 10 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 11 Notwithstanding the details shown on the plans hereby approved no development shall take place, other than ground and site preparation works, unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping for the site and a landscaping phasing plan setting out the timescales for the implementation of the hard and soft landscaping. This shall include full details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of measures to enhance biodiversity within the site; details of the treatment of all hard and soft surfaces, including any earthworks to be carried, all means of enclosing the site and full details of the play equipment, benches and associated facilities proposed. All landscaping in the approved landscaping scheme shall be carried out in accordance with the timescales specified in the approved landscaping phasing plan. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity, biodiversity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 12 All of the landscaped areas and open space including play equipment, benches and associated facilities hereby approved shall be provided prior to the first occupation of any part of the phase of the development hereby approved they fall within and shall be retained and maintained in perpetuity for the occupants of the development and the wider community.

Reason: in the interests of amenity in accordance with the National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 13 The development hereby approved shall be implemented and operated thereafter in strict accordance with the biodiversity mitigation measures outlined at paragraph 8.7.2 of the Environmental Statement which includes mitigation in relation to habitats, rare plants, amphibians, reptiles, breeding birds, badgers, mammals and bats. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures of the Breeding Bird Survey by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at paragraph 6.5 of the report.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 15 The development hereby approved shall be implemented and operated thereafter in accordance with the findings, recommendations and mitigation measures of the Great Crested Newt and Mammal Report by D F Clark Bionomique Ltd dated 23 July 2020 ref. DFCP 3398 including the mitigation measures outlined at Chapter 6 of the report.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 16 The development hereby approved shall be implemented in strict accordance with the ecological enhancement measures outlined at paragraphs 8.7.6, 8.7.7 and 8.7.8 of the Environmental Statement. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 17 The development hereby approved shall be implemented and operated thereafter in strict accordance with the findings, recommendations and mitigation measures contained within the Botany reports submitted, including the mitigation at paragraph 5.2 of the Botany Survey by D F Clark Bionomique Ltd dated 8 June 2020 ref. DFCP 3398 and the mitigation and avoidance measures outlined in

chapter 5 of the Botanical Survey by The Landscape Partnership dated 28 July 2020 ref. E20841.

Reason: In the interest of biodiversity in accordance with National Planning Policy Framework (2019) and Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 18 The development hereby approved shall be undertaken in strict accordance with the findings, recommendations and conclusions of the Arboricultural Impact Assessment by D F Clark Bionomique Ltd dated 27 May 2020 ref DFCP 3398 including the mitigation outlined within Chapter 5 and the Tree Protection Plans included in Appendix 5 of the report ref. DFCP 3398 TPP (1 of 5, 2 of 5, 3 of 5, 4 of 5 and 5 of 5).

Reason: In the interests of the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 19 The onsite car parking spaces comprising 210 spaces for the flats, and 198 spaces for houses, hereby approved shall be provided and made available for use in full accordance with drawing 032- S2-P003 Rev. H, prior to first occupation of any part of the phase of the development hereby approved they fall within, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 20 The development shall not be first occupied or brought into first use unless and until full details of the covered and secure cycle parking to serve the health centre, commercial and residential parts of the development hereby approved have been submitted to and approved in writing by the local planning authority. Each building in the development shall be carried out in accordance with those approved details before the building is first occupied or brought into first use and the development shall be retained as such in perpetuity.

Reason: To ensure that adequate cycle parking is provided and retained to serve the commercial development in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM1 and DM15 of the Development Management Plan (2015).

- 21 The approved Travel Plan (ref. Travel Plan dated July 2020 ref. IT1971TPF_22.07.20_Issued) shall be fully implemented prior to first use of the development hereby approved and be maintained thereafter in perpetuity. For the first three years at the end of each calendar year a document setting out the monitoring of the effectiveness of the Travel Plan and setting out any proposed changes to the Plan to overcome any identified issues and timescales for doing so must be submitted to and approved in writing by the local planning authority. The

agreed adjustments shall be implemented in accordance with the agreed conclusions and recommendations.

Reason: In the interests of sustainability, accessibility, highways efficiency and safety, residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

- 22 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby permitted shall not be first occupied unless and until a car park management plan has been submitted to and approved in writing by the local planning authority. The car park management plan must be implemented in full accordance with the details approved under this condition prior to first occupation of any part of the phase of the development hereby approved they fall within and shall be maintained as such in perpetuity.

Reason: To ensure that adequate car parking arrangements are provided to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

- 23 Prior to the first occupation of any dwelling, details for the Residential Travel Packs shall be submitted to and approved in writing by the local planning authority. The approved travel packs shall then be provided to each dwelling within 1 month of occupation.

Reason: In the interests of sustainability in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policy DM15, and Design and Townscape Guide (2009).

- 24 No part of the commercial (Classes A1-A3) or Health Centre (Class D1) uses hereby approved, shall be brought into first use unless and until a waste management plan which includes full details of refuse and recycling storage and servicing arrangements has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall be carried out solely in accordance with the approved details from the first use of the development.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 25 The residential dwellings hereby approved shall not be first occupied unless and until full details of the refuse and recycling stores have been submitted to and approved in writing by the local planning authority. The approved refuse and recycling stores shall be provided in accordance with the approved plans and details and shall be made available for use prior to the first occupation of the dwelling to which they relate and shall be retained as such in perpetuity.

Reason: To ensure that the development provides adequate refuse and recycling facilities in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 26 Before any phase of the development hereby approved is occupied or brought into use that phase shall have been implemented and undertaken in strict accordance with the findings, recommendations and mitigation measures, including within Chapter 5, and including the minimum floor levels as set out within Chapter 5 (no habitable accommodation below 6.50m Above Ordinance Datum (AOD)) and the resilience measures as outlined within parts 5.30, 5.31, 5.32 and 5.33 of the submitted Flood Risk Assessment by Ardent ref.185320-01B dated July 2020. All less vulnerable uses (non-living residential apartment space and commercial) finished floor levels, to be set at a minimum level of 3.0m AOD. For more vulnerable uses (living and sleeping accommodation - residential and health centre) minimum finished floor levels to be set at 6.5m AOD.

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 27 The development hereby approved shall be undertaken and operated in accordance with the Flood Response Plan submitted by Ardent ref. 185320-08B dated July 2020 including its recommendations at Chapter 4.

Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 28 No drainage infrastructure associated with this consent shall be undertaken at this site unless and until full details of the drainage infrastructure and a drainage strategy have been submitted to and approved in writing by the local planning authority. The strategy submitted shall apply the sustainable drainage principles and the sustainable drainage hierarchy. Where more sustainable methods of drainage are discounted clear evidence and reasoning for this shall be included within the strategy submitted. The approved drainage infrastructure and strategy shall be implemented in full accordance with the approved scheme prior to the first occupation of any part of the phase of the development hereby approved they fall within and be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM14.

- 29 Notwithstanding the provisions of the Town and Country Planning Act 1990 (As amended) or the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revising or re-enacting that legislation with or without modification, no garages or undercroft parking areas nor any non-habitable accommodation in the scheme below a level of 6.50m AOD shall be converted into habitable accommodation at any time.

Reason: To ensure the approved development is safe in flood risk terms in accordance with National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and KP3.

- 30 No extraction and ventilation equipment for the proposed non-residential uses hereby approved (Classes A1-A3 and D1) shall be installed until and unless full details of their location, design, appearance and technical specifications and a report detailing any mitigation measures proposed in respect of noise and odour impacts has been submitted to, and approved in writing by, the Local Planning Authority. The installation of extraction equipment shall be carried out in full accordance with the approved details and specifications and any noise and odour mitigation measures undertaken in association with the agreed details before the extraction and ventilation equipment is brought into first use. With reference to British Standard BS4142 the noise rating level arising from all plant and extraction/ventilation equipment shall be at least 5dbB(A) below the prevailing background at 3.5 metres from the ground floor facades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.

Reason: To protect the amenities of the occupiers from undue noise and disturbance in order to protect their amenities in accordance with Core Strategy (2007) policies KP2 and CP4, Policies DM1, DM3 and DM8 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 31 None of the commercial (Classes A1-A3) or health centre (Class D1) uses hereby approved shall be first occupied or brought into first use unless and until full details of the operating and opening times of that unit have been submitted to and approved in writing by the local planning authority. Each unit shall subsequently be operated only in full accordance with the details approved under this condition.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document (2015).

- 32 Commercial refuse collection and delivery times for the development hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to protect the character the area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 33 The commercial (Classes A1-A3) and Health Centre (Class D1) uses hereby approved, as identified on plan number 032-S2-P401 rev. F shall only be used for purposes falling within use classes A1, A2 or A3 or D1 as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended) on the date this application was submitted and shall not be used for any other purpose, including any purpose permitted under amendments to the Town and Country Planning (Use Classes) Order 1987 since the application was submitted nor any change of use

permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provisions equivalent to those in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice amenity and wider objectives of the planning system, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

- 34 No development other than site preparation works shall take place until and unless details have been submitted to and approved in writing by the Local Planning Authority to show how at least 10% and a specified number of the dwellings will be built in compliance with the building regulation M4(3) 'wheelchair user dwellings' standard with all of the remaining dwellings complying with the building regulation part M4(2) 'accessible and adaptable dwellings' standard. Each approved dwelling shall be constructed to comply with either building regulation M4(2) or M4(3) in accordance with the approved details prior to its first occupation.

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1, DM8 and Design and Townscape Guide (2009).

- 35 No external lighting shall be installed in the development hereby approved unless it is in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The ditch corridors shall not be illuminated directly or as a result of light spillage.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 36 No development above ground floor level shall be undertaken unless and until a Light Assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details in perpetuity.

Reason: In the interest of the safety and amenities of the area, in the interests of biodiversity and to protect the amenities of surrounding occupiers in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 37 Prior to construction of the development hereby approved above ground floor slab level a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details

approved under this condition. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development and ensuring a high quality of design in accordance with Policy KP2 of the Core Strategy (2007) and the Design and Townscape Guide (2009).

- 38 Prior to construction of the development hereby approved above ground floor slab level details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be included within the development and shall be submitted to and agreed in writing by the Local Planning Authority. A building in the scheme shall not be occupied until it has been implemented in accordance with the details approved under this condition and shall be retained as such in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

- 39 No part of the non-residential development hereby approved shall take place above ground floor slab level until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve Very Good BREEAM level.

Reason: This condition is required in the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 40 No part of any non-residential building hereby approved shall be first occupied unless and until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating "Very Good" has been achieved for that building.

Reason: In the interests of providing a sustainable development, in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 41 1. Site Characterisation - No development other than site preparation works shall take place, on any of the phase of the development hereby approved they fall within, until and unless an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property, existing or proposed, including buildings, crops, livestock, pets, woodland and service lines

and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;

2. Submission of Remediation Scheme - No development other than site preparations works shall take place, on any part of the phase of the development hereby approved they fall within, until and unless 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 has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a 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.

3. Implementation of Approved Remediation Scheme - The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination - 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 within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.5. Long Term Monitoring and Maintenance E1) No development shall take place, on any part of the phase of the development hereby approved they fall within, until a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must both be submitted to and approved in writing by the Local Planning Authority. E2) Following completion of the measures identified in that scheme and when the remediation scheme is complete, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to the Local Planning Authority.

Reason: To ensure that any contamination on the site is identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to Controlled Waters in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- 42 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Section 10 of the Unexploded Ordnance Assessment by MACC ref. 6503 V.1.0 dated 11/05/2020.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- 43 No CCTV shall be installed in the development hereby approved unless in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 44 The development hereby approved shall be implemented and undertaken in strict accordance with the findings and recommendations and mitigation, as outlined in Tables 6.1 and 6.2 of the Air Quality Assessment by WYG ref. A117624. Prior to the commencement of the development, other than for demolition and site preparation works, a timescale for the implementation of these measures and mitigation shall be submitted to the Local Planning Authority and approved in writing. The measures shall be implemented in accordance with the approved timescale.

Reason: In the interests of the residential amenity of the area in accordance with Core Strategy (2007) policy KP2 and Policies DM1 and DM14 of the Development Management Document (2015).

- 45 The onsite car parking spaces comprising, 16 spaces for the commercial (Class A1, A2 and A3) uses and 78 spaces for the Health Centre (Class D1) use hereby approved shall be provided and made available for use in full accordance with drawing 032- S2-P003 Rev. H, prior to first occupation of any part of the phase of the development hereby approved they fall within, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently maintained thereafter solely for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policy DM15 of the Council's Development Management Document (2015) and Policy CP3 of the Core Strategy (2007).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

PLEASE NOTE

- 01 Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as

amended). The amount of levy due will be calculated at the time a reserved matters application is submitted. Further information about CIL can be found on the [Planning Portal](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).

- 02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.
- 03 Should the applicant require roads within the development adopted the Council's highways tea should be contacted.
- 04 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 05 The development site is within 15m of a sewage pumping station which requires access for maintenance and will have sewage infrastructure leading to it and cannot be easily relocated. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.
- 06 If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advice them of the most suitable point of connection. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 07 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 08 A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

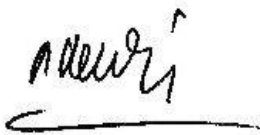
- 09 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 10 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 11 Given the scale of the development, a Prior Consent under Section 61 COPA (1974) shall be required with Regulatory Services at Southend Borough Council. Construction and Demolition shall also be undertaken in accordance with London Good Practice Guide.
- 12 The additional SuDS and drainage information that will need to be submitted as part of condition 25 includes
- i. Adoptable SuDS and drainage by Anglian Water need to be in line with the 'Design and Construction Guidance'. Evidence of the agreement in principle with Anglian Water is required to ensure that the SuDS/drainage systems will be maintained in perpetuity.
 - ii. A plan showing the SuDS/drainage elements managed by the different parties (SBC, Anglian Water, Management Company) to be provided.
 - iii. Catchment plan showing impervious and pervious areas (positively and non-positively drained) to be provided.
 - iv. Greenfield runoff rates are calculated for all the site area. Greenfield runoff rates should be calculated for areas positively drained (pervious or impervious). It is unclear if all areas are positively drained (pervious and pervious) into the system, but calculations and modelling suggest that only impervious areas are positively drained. Greenfield runoff will need to be re-calculated. Also, the greenfield runoff rate for the 100 year should be reduced to take into account the extra discharge of Long Term Storage. This could have an impact on the storage requirements.
 - v. Long Term Storage is estimated, but it is not clear how this is going to be provided in the site (i.e. part of main attenuation feature or separate storage area).
 - vi The SuDS/drainage strategy should consider the effects of submerged outfalls in the Barge Pier Ditch.
 - vii. Consideration should be given to un-lining system in areas of less risk of high groundwater table and pollution (incl. consideration of land contamination).
 - viii. Exceedance routes to be shown on plan.
 - ix. Phasing Plan to be provided as part of the Drainage Strategy.
 - x. Management of Health and Safety Risks to be provided as part of the Drainage Strategy.
 - xi. Construction details (including flow controls) to be provided.
 - xii. Management of groundwater and land drainage (from external areas and from pervious areas within the development) to be provided
 - xiii. Additional information in line with Detailed Drainage Design Checklist (Essex County Council).

- 13 Max development height in this area is 161.46m AOD. All aspects of the development must comply with CAP168 and EASA regulations including lighting, landscaping and renewable energy sources.
- 14 The applicant is encouraged to provide electric vehicle charging points at the site in accordance with Policy DM15 which encourages their provision wherever practical and feasible.
- 15 The applicant is advised that refuse stores should not be prominently located within the development. As such it is recommended that the refuse stores are not located to the front of the dwellings.
- 16 The Council will need to retain access across the site to maintain its land and infrastructure in perpetuity.
- 17 No waste as part of the development shall be burnt on site.

YOU ARE ADVISED THAT THE DEVELOPMENT HEREBY APPROVED MAY REQUIRE APPROVAL UNDER BUILDING REGULATIONS. OUR BUILDING CONTROL SERVICE CAN BE CONTACTED ON 01702 215004 OR ALTERNATIVELY VISIT OUR WEBSITE FOR FURTHER INFORMATION.

http://www.southend.gov.uk/info/200011/building_control

If this application relates to a new residential development or a residential conversion, you are requested to contact Street Naming and Numbering at Southend-on-Sea Borough Council, Victoria Avenue, Southend on Sea, Essex SS2 6ER Tel: 01702 215003 email: council@southend.gov.uk regarding the approval and registering of new addresses and the issue of new postcodes.



**Andrew Lewis
Deputy Chief Executive, Executive Director (Growth and Housing)**

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appendix A.4: North Queensway – Application Ref: HS/FA/12/00802

Permission with Conditions Town and Country Planning Acts



Development Management Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

www.hastings.gov.uk

Application Number: HS/FA/12/00802

File Number: QU90100X, HI25000X

Drawing Numbers: North Queensway Development Plot Plan

Applicant: Sea Change Sussex

Address:
Queensway North, Queensway, St Leonards-on-sea

Description:
Construction of an estate road and associated infrastructure and works (including drainage & utilities) to facilitate future development of site as a business park.

In pursuance of its powers under the Town and Country Planning Acts, and all other powers, the Council hereby permits the development described in the Plans and Application specified above, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: North Queensway Development Plot Plan
3. No development shall take place until a diversion order for public footpath 34a has been made under Section 257 of the Town & Country Planning Act 1990 together with a timetable for the implementation of the works to divert the footpath. The development shall be carried out in accordance with the order and the timetable.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
5. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
6.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any buildings on this site shall occur until those works have been completed.

- (iii) No occupation of any buildings on this site shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
- 7. The new estate road shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway.
- 8. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road and made up informal footway, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- 9. 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 within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.
- 10. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation (Given the restrictions of the approach road the hours of delivery/collection should avoid peak traffic flow times). The development shall be carried out in accordance with the approved scheme.
- 11. Before the development hereby approved is commenced details of an emergency procedure in the event that there is a breach into the greensand layer below the site shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be followed in the case of such an emergency.
- 12. No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Mitigation Plan or Construction Environmental Management Plan (Biodiversity) has been submitted to and approved in writing by the local planning authority. The content of the Mitigation Plan or CEMP shall include the following unless otherwise agreed in writing with the local planning authority prior to submission of the Mitigation Plan or CEMP;

The approved plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- a) Details of wildlife features of importance such as ancient woodland, designated wildlife such as Sites of Special Scientific Interest, Local Nature Reserves, Local Wildlife Sites and protected species together with a risk assessment of potentially damaging construction activities.
- b) An appropriate scale plan showing 'wildlife or biodiversity protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.
- c) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of or profiling of trenches, covering manholes and pipes during construction; the safeguarding of badgers setts, runs and foraging areas, especially relating to the throughput of construction and other vehicular traffic; timing of operational activities; the erection and specification of protective fencing and warning signs at agreed distances from sensitive habitats and wildlife areas.
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication (in accordance with BS 42020 12.7) relating to;
 - a) Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site;
 - Species monitoring.

- 13. Details for condition 12 above shall include tree protection measures.
- 14. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Biodiversity Mitigation Plan or construction method statement CEMP. All protective fencing and warning signs will be maintained in accordance with approved plan unless otherwise agreed in writing with the local planning authority.

The reasons for the imposition of the said conditions are:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt and in the interests of proper planning.
- 3. To ensure adequate pedestrian links are maintained.
- 4. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
- 5. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
- 6. To prevent increased risk of flooding.
- 7. In the interest of highway safety and for this benefit and convenience of the public at large.
- 8. In the interests of highway safety and for the benefit and convenience of the public at large.
- 9. In the interests of highway safety and for the benefit and convenience of the public at large.
- 10. In the interests of highway safety and for the benefit and convenience of the public at large.
- 11. To protect features of recognised nature conservation importance including the Marline Valley SSSI. (Hastings Local Plan 2004 policies NC2, NC3, NC6, NC8 and NC9.)
- 12. To protect features of recognised nature conservation importance including the Marline Valley SSSI. (Hastings Local Plan 2004 policies NC2, NC3, NC6, NC8 and NC9.)
- 13. In the interests of the health of the trees and the visual amenity of the area.

14. To protect features of recognised nature conservation importance including the Marline Valley SSSI and in the interests of the health of the trees . (Hastings Local Plan 2004 policies NC2, NC3, NC6, NC8 and NC9.)

Notes to the Applicant

You are advised:

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

The reason for granting this permission is:

1. Having regard to local plan policies TR9, NC2, NC3, NC8, NC9, NC10, NC11, L1, L2, DG1, DG2, DG27 and C6 and to all other material considerations and taking account of comments and objections from local residents (and other interested parties) the proposed development/use is considered to be acceptable. There will be no material harm to the neighbourhood in general or to adjoining residents in particular.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or Approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Dated: 08 March 2013

To: Sea Change Sussex
Innovation Centre
Highfield Drive
St Leonards on Sea
East Sussex
TN38 9UH



Raymond Crawford
Development Manager

Application No. HS/FA/12/00802