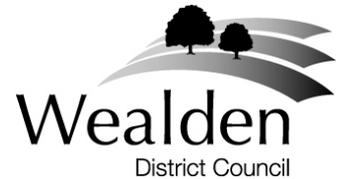


Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2019/2565/F**



Tetra Tech
100 Avebury Boulevard
Milton Keynes
MK9 1FH

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

ERECTION OF A NEW PUBLIC HOUSE WITH FUNCTION/DINING ROOM, WITH ANCILLARY STAFF ACCOMMODATION AND LETTING ROOMS ABOVE. PROVISION OF CAR PARKING AND LANDSCAPING, TOGETHER WITH A VILLAGE GREEN AND PUBLIC CAR PARKING

**THE HORSESHOE INN, COMPHURST LANE,
WINDMILL HILL, HERSTMONCEUX, BN27 4RU**

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

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

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

2. No development, including demolition or site clearance, shall commencement until full details of the proposed means of surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of development on site whichever is the sooner. DS01

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 166 of the National Planning Policy Framework 2021.

3. No development shall commence until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or first use of the replacement public house, whichever is the sooner. DF01

REASON: In order to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 166 of the National Planning Policy Framework 2021.

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

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

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to SPO12, SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 111 and 112 of the National Planning Policy Framework 2021.

5. Prior to works below ground level for the construction of the public house, an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (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.
 - Groundwaters and surface waters.
 - Ecological systems.
 - Archaeological sites and ancient monuments.
- (iii) An appraisal of remedial options and proposal of the preferred option(s).

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO1, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 174 of the National Planning Policy Framework 2021.

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 174 of the National Planning Policy Framework 2021.

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

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

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 174 of the National Planning Policy Framework 2021.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 4. CL04

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and the requirements of paragraph 174 of the National Planning Policy Framework 2021.

9. No development, including demolition, for the erection of the public house hereby approved shall commence until tree protection fencing as specified in the Arboricultural Implications Assessment & Method Statement date stamped 3 December 2019 and which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, has been erected and such fencing shall be retained in

the positions approved for the duration of the construction of development and until such completion of the development. The fencing shall be referred to as the 'approved protection zone'. TP01

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021.

10. Before preparation of any groundworks or foundations for the development of the replacement public house hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained. SS05

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 152, 154 and 157 of the National Planning Policy Framework 2021 and the Wealden Design Guide, Chapter 4.

11. Before works above foundation level for the construction of the building hereby approved, full details of a scheme for the insulation of the building against the transmission of airborne sound within the building and to outside the building shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first use of the development and retained thereafter. The proposed scheme shall incorporate measures to ensure that where habitable rooms will be exposed to noise levels that are in excess of Noise Exposure Category (NEC A), mitigation shall include a scheme of acoustic protection sufficient to ensure internal noise levels are no greater than 30 Laeq,TdB in bedrooms and living rooms with windows closed. Where the internal noise levels will exceed 35 Laeq,TdB in bedrooms (night-time) and 48 Laeq,TdB in living rooms (day-time) with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. The proposed scheme shall incorporate measures to install thermal and acoustic mass to the building perimeter to increase sound reduction, and suitable separating ceiling details to protect the visitor accommodation at upper floors. N02(M)

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 130, 185 and 187 of the National Planning Policy Framework 2021.

12. Before the public car parking spaces for Posey Green are formed or before works above foundation level for the construction of the public house building hereby approved, whichever is the soonest, details of the layout of the reconstruction of the eastern access from the A271 public highway and the specification for the construction of the access, which shall include details of drainage, shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority. The development not be brought into use until the construction of the access has been completed in accordance with the agreed specification.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 111 and 112 of the National Planning Policy Framework 2021.

13. Before works above foundation level for the construction of the public house, details for the provision of secure and covered cycle storage in accordance with East Sussex County Council's adopted standards shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first use of the public house building and retained thereafter. PC03

REASON: To provide for alternative modes of transport, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR11 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 106 and 112 of the National Planning Policy Framework 2021.

14. Prior to the proposed village green being brought into use for public open space, details of boundary features to be provided at the Village Green/open space shall be submitted to and approved by the local planning authority in consultation with the local highway authority. Boundary feature or means of enclosure shall be no greater in height than 1.05m.

REASON: In order to ensure suitable visibility is maintained for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 111 and 112 of the National Planning Policy Framework 2021.

15. Before the proposed village green is first brought into use as public open space, the public car parking spaces shown on drawing numbered 19-3123-170 Revision P5 date stamped 11 March 2021 shall be provided and thereafter shall be retained for such purposes. PC09

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 106 and 112 of the National Planning Policy Framework 2021.

16. Before first use/occupation of the building hereby approved, the car parking spaces and turning area to serve the public house as shown on drawing number 19-3123-170 Revision P5 date stamped 11 March 2021 shall be provided, and thereafter shall be retained for such purposes.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 106 and 112 of the National Planning Policy Framework 2021.

17. Before works above foundation for the erection of the public house building hereby approved, samples of materials to be used on the external surfaces of the development shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development. MA04

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled

with the requirements of paragraphs 126 and 130 of the National Planning Policy Framework 2021.

18. Before works above foundation level for the construction of the public house development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include proposed boundary treatments, including any acoustic fencing, proposed finished levels and contours, hard surface finishes, details of any retaining walls, steps, railings, walls, gates or other supporting structures, minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units). The information shall also include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction – Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density. LA05(M)

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

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraphs 130 and 174 of the National Planning Policy Framework 2021.

19. There shall be no live, amplified or percussive music of any form (including discos) within the pub garden and the pub garden shall not be used between the hours of 2200 to 0800.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, Policy 12 of the adopted Herstmonceux Parish Neighbourhood Plan (2019) coupled with the requirements of paragraphs 130, 185 and 187 of the National Planning Policy Framework 2021.

20. The manager's accommodation on the first floor of the public house as shown on drawing numbered 19.3123.171 Revision P1 date stamped 3 December 2019 shall only be used as an ancillary and integral part of the public house use and not as a separate residential unit. US03

REASON: To secure appropriate staff accommodation and the site and to enable the Local Planning Authority to regulate and control the development of land having regard to site's location outside adopted development boundaries and WCS6 of the adopted Wealden Core Strategy Local Plan 2013 and Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, Policy 13 of the Herstmonceux Parish Neighbourhood Plan (2019), coupled with the requirements of paragraphs 8, 79, 85 and 105 of the National Planning Policy Framework 2021.

21. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to SPO13 and WCS14 to the adopted Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and EN29 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 185 of the National Planning Policy Framework 2021.

22. This planning decision relates solely to the information contained within the application form, the following plans and documents:

Ref.	Date Stamped.	STN4
19-3123-170 Revision P5	11 March 2021	
19.3123.171 Revision P1	3 December 2019	
19.3123.172 Revision P1	3 December 2019	
19.3123.173 Revision P1	3 December 2019	
19-3123-174 Revision P3	4 March 2020	
19.3123.175 Revision P6	11 March 2021	
ENC/4EE9/051218/Top	3 December 2019	
Planning, Design & Access Statement	3 December 2019	
Viability Study & Marketing Report	3 December 2019	
Heritage Statement	3 December 2019	
Preliminary Ecological Appraisal	3 December 2019	
Phase II Bat Surveys	23 December 2019	
Arboricultural Implications Assessment & Method Statement Ref: 191126 - AIA 4	3 December 2019	
Transport Statement	3 December 2019	
Noise Impact Assessment	3 November 2020	

REASON: For the avoidance of doubt.

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

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

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

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

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 27 July 2021

A handwritten signature in black ink, appearing to read 'Stacey Robins', with a stylized, cursive script.

Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2019/2565/F

NOTES

Appeals to the Secretary of State

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

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

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

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

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

- Planning application:

6 months from the date on the decision notice, or

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

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

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

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

Further information

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

Purchase Notices

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