WD/2020/0119/DC - JOAN HUGHES COURT, WALNUT WALK, POLEGATE, BN26 5AR

Summary of Proposal

District Council Application for:-
THE CONSTRUCTION OF A NEW BIN STORE USING 1800MM HIGH HIT AND MISS FENCING SET ON 100MM X 100MM TIMBER POSTS AND ARRIS RAILS. DOUBLE GATE AT ENTRANCE TO BE 1800MM HIGH HIT AND MISS TIMBER.

Received date: 19 February 2020
8/13 week date: 15 April 2020
Parish: Polegate
Ward: Polegate South & Willingdon Watermill
Grid Ref: 558378 104584


Recommendation

Subject to there being no material planning objections raising new issues received from the consultation period expiring on 27 March 2020 then Full Planning Permission BE GRANTED, subject to the following conditions:-

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

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

2. The external materials, including gates, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation. MA11

   REASON: To safeguard the appearance of the building and the visual amenities of the locality and to comply with SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraph 127 of the National Planning Policy Framework 2019.

3. The new bin store shall not be brought into use until space has been laid out within the site for two additional car parking spaces in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The additional parking spaces shall thereafter be so retained.

   REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the adopted Wealden Local Plan
For: Planning Committee South  
Date: 23 April 2020


4. Within the first planting season following first use of the bin store or the completion of the development, whichever is the sooner, additional screen planting shall be carried out along the north-west boundary of the site in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. 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.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraph 127 of the National Planning Policy Framework 2019.

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

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Date Stamped</th>
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<tbody>
<tr>
<td>153397/01-102 Rev. B</td>
<td>19 February 2020</td>
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<tr>
<td>153397/01-103 Rev. A</td>
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<td>153397/01-104 Rev. A</td>
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<td>153397/19-01 Rev. A</td>
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<td>153397/23-01</td>
<td>19 February 2020</td>
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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.

Reason for Referral

This application is being referred to this Committee as it has been submitted by Wealden District Council’s Property Services Department and therefore falls outside the scheme of delegation.
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Date: 23 April 2020

### Executive Summary

Planning permission is sought for the construction of a new bin store to serve Joan Hughes Court, a sheltered housing and retirement complex comprising flats with communal facilities and gardens, located within a residential area of Polegate.

The scheme would provide a facility with improved accessibility compared to the location of the original store on site. Subject to conditions to secure compensatory parking spaces and additional boundary planting, the proposal is considered to represent sustainable development and approval of the application is recommended.

<table>
<thead>
<tr>
<th>1. Statutory Bodies and Residents - Responses</th>
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<tbody>
<tr>
<td><strong>Polegate Town Council</strong></td>
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<tr>
<td>Comments awaited.</td>
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<td><strong>Other third party responses (including local residents)</strong></td>
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<td>None received at time of writing report.</td>
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<th>2. Other Relevant Responses/Issues</th>
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<td><strong>None received at time of writing report.</strong></td>
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**Pre-Application Matters**

A planning surgery was attended in October 2019 to discuss the permanent relocation of the bin store at Joan Hughes Court to its current temporary position to provide improved access for the refuse collection vehicles and crew.

Officer advice was that there was no in principle objection to the relocation of the bin store, subject to maintaining an appropriate level of parking provision, but that it would be preferable to see the store set back from the road frontage so as to reduce its immediate prominence within the street scene.

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<th>3. Relevant Planning History</th>
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<td>None directly relevant.</td>
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<th>4. Details of Case</th>
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**The Application Site**

Joan Hughes Court is a sheltered housing and retirement complex comprising flats with communal facilities and gardens, located within a residential area of Polegate that consists of a mix of detached and semi-detached single and two storey properties.
The application relates specifically to part the parking area located along the northern boundary.

The Development Proposals

Planning permission is sought for the construction of a new bin store to serve Joan Hughes Court. This would measure 5.5m by 4.5m and would be formed from 1.8m high hit and miss fencing with double gates on the southern end.
Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Affordable Housing Delivery Local Plan (May 2016)

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).
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Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

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

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

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

Under 'saved' policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some 'saved' policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 216 of the NPPF).

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. The plan has since been withdrawn following a resolution at full council on 19 February 2020.

**Relevant Policies**

The National Planning Policy Framework (NPPF) in force from February 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 8, 11, 108-111 and 127 of the NPPF.

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

- Saved Policies GD1, EN1, EN14, EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998.
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- Spatial Planning Objectives SPO12 and SPO13 and Policies WCS6 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.  

Principles of Development

The application site is located inside the retained development boundary for Polegate and Willingdon.

Policy Issues

Paragraph 127 of the NPPF requires planning decisions to ensure that new development will function well and add to the overall quality of the area, having regard to good layout and appropriate landscaping, and being sympathetic to the surrounding built environment. Saved Policy EN27 of the adopted Wealden Local Plan has general regard for scale, form and design, as well as neighbour amenity.

Paragraph 110 of the NPPF requires development to allow efficient access by service vehicles. Saved Policies TR3 and TR16 of the adopted Wealden Local Plan seek appropriate access and parking arrangements.

Design and Impact on Street Scene

The original bin store was set well back into the site, against the north-east boundary. Refuse vehicles cannot turn within the site and the location of the store is too far from the road to service this on foot. Currently, there is a temporary bin enclosure site positioned adjacent to Walnut Walk.
The submitted scheme responds to pre-application advice in setting the replacement bin store back into the site slightly, to reduce its prominence to the road, but would still allow for appropriate access by the refuse collection crew.

Use of timber hit and miss fencing to enclose the store would be visually appropriate and can be secured by condition.

**Impact on Neighbours**

The nearest neighbouring property is 27 Walnut Walk, which has a number of flank openings facing the site, including an entrance door and bathroom, WC and secondary kitchen windows at ground floor.
A buffer would be maintained between the store and existing fence line which would provide an opportunity to strengthen boundary planting within the site.

**Landscaping Proposals**

The store would be provided over an existing hard surfaced area. Planting to soften the enclosure can be secured by condition.

**Access and Parking**

There would be no change to the existing site access. The location of the new bin store would remove two parking spaces from the site. However, there is scope to relocate these to the position of the original bin store to ensure there is no net loss in on-site parking provision, having regard to existing demand for on street parking in the vicinity.

5. **Conclusion**

The proposal would provide an improved refuse and recycling storage facility at the site in terms of its accessibility by the refuse collection crew.

The scheme has responded to pre-application advice in positioning the store further back from the road to reduce its prominence within the street scene.

Although the bin store would sit within close proximity of the boundary with 27 Walnut Walk, there is scope to provide additional planting within the application site to supplement the hit and miss boundary fence. Noting that key outlook and habitable openings are provided to the front and rear of the neighbouring dwelling, it is not considered that any unacceptable adverse impact would arise to the amenities of the adjoining occupiers.

The proposal would remove two parking spaces but these can be compensated for within the site.

Subject to conditions, therefore, the proposal is considered to represent sustainable development in line with adopted policies and guidance and the application is recommended for approval.

6. **Contact points and references**

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<tr>
<th>Team Leader (S)</th>
<th>Samantha Prior - Tel: 01892 602479</th>
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<tbody>
<tr>
<td>Case Officer:</td>
<td>Laura Field, Planning Officer – Tel: 01892 602515</td>
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<tr>
<td>Ward Member:</td>
<td>Cllr D Shing</td>
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