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## Appeal Decision

Inquiry opened on 10 December 2013

Accompanied site visit made on 10 December 2013 and unaccompanied visit on 30 January 2014.

**by R J Marshall LLB DipTP MRTPI**

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

**Decision date: 18 June 2014**

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**Appeal Ref: APP/Z3825/A/13/2200213**

**Land at Daux Wood, Marringdean Road, Billingshurst, West Sussex RH14 9HE**

- 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 Rydon Homes Ltd. against the decision of Horsham District Council.
  - The application Ref DC/13/0147, dated 24 January 2013, was refused by notice dated 28 May 2013.
  - The development proposed is residential development for 46 dwellings, including new access, internal roads and footpaths, parking areas, garaging, together with open space and play area provision.
  - The inquiry sat for 6 days on 10-13 December 2013 and 29-30 January 2014.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 March 2014.

### Decision

1. The appeal is allowed and planning permission is granted for residential development for 46 dwellings, including new access, internal roads and footpaths, parking areas, garaging, together with open space and play area provision at Land at Daux Wood, Marringdean Road, Billingshurst, West Sussex RH14 9HE in accordance with the terms of the application, Ref DC/13/0147, dated 24 January 2013, and the plans submitted with it, subject to the conditions on the attached list.

### Application for costs

2. At the inquiry an application for costs was made by the appellant against the Council. This is the subject of a separate decision.

### Background

3. The appeal is into the refusal of permission for an outline application in which all detailed matters bar means of access are reserved.
4. The appellant submitted a Unilateral Undertaking which provided for: the provision of on-site affordable housing and a financial contribution towards off-site affordable housing; and financial contributions on transport, community

facilities, fire and rescue, education and libraries. The Undertaking also provides for: the maintenance and management of an on-site play area and adjoining Ancient Woodland along with the transfer of these areas to a Management Company. Finally, the Undertaking makes provision for Off-Site Woodland Planting and its maintenance to overcome the Council's concerns on the loss of woodland habitat. The Undertaking is worded so that any individual obligation in the Deed found in this decision to be inappropriate will cease to have effect. It overcomes objections the Council would otherwise have had on the above matters.

## **Main Issues**

5. Given the above the main issues in this appeal are: **first**, the weight to be attributed to the location of the site in the countryside outside a development boundary in the absence of a 5 year housing land supply; **second**, the effect of the proposed development on the character and appearance of the site and surrounding area; **third**, the impact of the proposed development on Ancient Woodland; and **fourth**, whether in light of the National Planning Policy Framework (the Framework) and CIL regulations I may lawfully take the submitted Unilateral Undertaking into account.

## **Reasons**

### ***Location of the site beyond a development boundary***

6. The development plan for the area is the Horsham District Local Development Framework (LDF) Core Strategy (2007) and the LDF General Development Control Policies (2007). Policy DC1 of the latter plan says that outside development area boundaries new development will not be permitted unless, as with development supporting the needs of agriculture, it is essential to its countryside location. Inset map 4 of the LDF Proposals Map has drawn up the development boundary for Billingshurst.
7. The development site, a roughly rectangular area of land, lies just beyond the development boundary. The western boundary of the site in large part abuts the settlement boundary which in this location runs approximately north/south along Marringdean Road. Separating the northern boundary of the appeal site from the settlement boundary is a modestly sized band of woodland.
8. Policy DC1 acts, amongst other things, to control the supply of housing in the District. It may be regarded in part, therefore, as a relevant policy for the supply of housing. The Framework says that such policies should not be considered up to date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
9. The Council concedes that it does not have such a supply and I find this evidence more conclusive than suggestions to the contrary from the Campaign for the Protection of Rural England (CPRE). The most recent position from the Council's Annual Monitoring Report is, on the appellant's figures, that there is a 2.34 year land supply and on Council's figure a 2.53 year supply. The difference depends upon whether a 20% or 5% buffer is used and is so marginal as to require no further investigation. The Council also states that since the end of the monitoring year 830 dwellings have been permitted and that this should be taken into account on the supply side. The appellant

disagrees. However, even were I to take into account the 830 dwellings there would still be a substantial housing land supply shortfall.

10. In light of the above it is concluded that little weight should be attributed solely to the site being located in the countryside outside a development boundary and thus, in this respect, contrary to LDF Policy DC1.

### ***Character and appearance***

11. The appeal site lies within an area indicated nationally as Low Weald. This is a landscape characterised by low lying undulating land, woodland and small towns and villages scattered amidst woodland, grassland and hedgerows. Other more local detailed landscape character assessments describe the characteristics of the Low Weald in West Sussex and within Horsham District Council in not dissimilar terms.
12. Policy DC2 of the LDF General Development Control Policies seeks to protect conserve or enhance the existing landscape character of the area in which the new development is located. Policy DC9 has a presumption in favour of retaining existing important landscape and natural features such as trees.
13. The appeal site covers part of a larger area of land covered by a Woodland Tree Preservation Order (TPO). A recently granted Forestry Commission Licence has resulted in extensive tree felling on the site. As a consequence even with those trees currently left standing, much of its landscape value as woodland has gone. The site now has a rather scruffy and untidy appearance. Regeneration of the coppice stools and other undergrowth would eventually lead to increased woodland cover. However, it is likely to be many years before the site regains a wooded character and appearance as attractive as that of adjoining woodland. I thus consider that the existence of a TPO on the site should not in itself, in terms of the effect of the proposed development on the character and appearance of the area, stand against the application. I am especially of this view given the extent of woodland that would remain, in the vicinity and along the site frontage. This should still ensure an attractively wooded appearance to the area following the proposed development.
14. The screening of the site would ensure that in all but the immediate locality the proposed development would have minimal, if any, impact. Turning to more local viewpoints views of the proposed development from the public footpath to the north of the site would be sufficiently screened even in winter months to prevent harm. In the summer existing roadside planting, which could be supplemented by new planting, would act as a substantial screen to the new houses. In winter months, with less leaf cover, the new housing would be more visible from the roadside and houses opposite, albeit filtered through the boundary vegetation. However, such change need not necessarily be harmful as I indicate below.
15. Travelling north along Marringdean Road the ribbon of cottages opposite the appeal site, and the roadside footpath running alongside it, provide an indication of entering the built-up part of Billingshurst. This impression is strongly reinforced by a substantial new housing development, beyond the development boundary, on the A2 Dominion site to the south-west of the ribbon of cottages. In the winter months this development, recently allowed on appeal, is seen from a distance well to the south of the appeal site. Even in the summer, when a tree screen would have a greater effect, this new housing

would clearly be seen down its vehicular access from Marringdean Road. New planting that could be undertaken as part of this development would be unlikely to greatly limit its impact from this viewpoint. Taking the A2 Dominion development into account, together with the albeit better screened Kingsfold Close to the south of the appeal site, the proposed housing need not appear out of keeping with the existing settlement pattern.

16. In arriving at this view I have taken into account the woodland that would separate the northern boundary of the appeal site from existing housing in the development boundary. However, this would give rise to only a relatively short undeveloped gap between the appeal site and the established houses to the north. Gaps of this kind are not uncommon in built-up areas. I have also had regard to the views of the Inspector in 2007 who examined the Horsham Site Specific Allocations of Land DPD. He rejected the allocation of the appeal site saying that it was perceived as a semi-rural site, separated from the town and not relating well to the built-up area. However, this decision preceded the development of the AI Dominion site. This has provided a different context for the consideration of the current application.
17. Turning to the characteristics of the proposed development the Council considers that it would appear overly dense. However, other than the notably low-density of Kingsfold Close, it would not be of a density out of keeping with housing in the area. Moreover, sketch plans indicate that development of the scale proposed would enable an acceptable landscaped buffer to Marringdean Road to be retained and reinforced. An adequate gap could also be retained to adjoining woodland. I note concerns on the sketch layout in relation to a certain individual retained trees within the site. However, I am satisfied that development of the scale proposed should enable a satisfactory scheme to be drawn up which would not harm them.
18. It is concluded that the proposed development would have no detrimental effect on the character and appearance of the site and surrounding area. There would be no conflict with Policies DC2 and DC9 of the LDF General Development Control Policies.
19. In arriving at this conclusion regard has been had to the Horsham District Landscape Capacity Assessment (2013). This assesses an area to the south-east of Billingshurst, in which the appeal site lies, as having characteristics which mean that there is no capacity for large scale development. However, it has little relevance to small scale development of the type proposed.

### ***Ancient woodland***

20. Directly to the north and east of the appeal site lie the extensive areas of the Ancient Woodland of Daux Wood and Rosier Wood. Ancient Woodland is defined as an area that has been wooded continuously since least 1600 AD. To be regarded as "continuously wooded" in this definition it is not necessary for there to have been a continuous physical cover of trees and shrubs, for in most Ancient Woods they have been cut down periodically. What is required is that the area should have remained as woodland, with either swift replanting or re-growth of coppiced areas.
21. The Council had initially been concerned about the impact of the proposed development on the adjoining Ancient Woodland. However, it now accepts that adequate buffer zones would be provided between this woodland and the

- proposed development to assist in preventing such harm. It also accepts that the Unilateral Obligation securing the management of the Ancient Woodland would mitigate against any harm arising from an additional population in the vicinity. Thus the Council's initial concern about the impact on adjoining Ancient Woodland has been removed. I have no grounds on which to take a contrary view.
22. However, the Council maintains a concern about the impact of the proposed development on, what it claims as, Ancient Woodland on the appeal site. Initially it appeared to be said that the entire site contained such woodland. However, it was later conceded that, in the Council's view, the on-site Ancient Woodland is limited to a relatively narrow band on the western boundary of the site adjoining Marringdean Road.
  23. To assess whether a site contains ancient woodland reference may be made to the revised Ancient Woodland Inventory (AWI) for West Sussex (2010), and to historical maps to see whether the area has been continuously wooded since 1600. It is also possible to look to see whether certain "indicator" species are present.
  24. The AWI is a partnership project between Natural England and various other public bodies. It was primarily a desk based mapping exercise and identified no part of the appeal site as Ancient Woodland. However, as a desk based exercise this may not be entirely conclusive. So far as map evidence is concerned the Council relies upon a range of maps post 1841 and a 1947 aerial photograph. The Council concedes that maps pre-dating 1841 do not show this boundary woodland. However, it considers that the earlier maps cannot be relied upon. The appellant takes a contrary view.
  25. Given the small scale of the earlier maps I consider that the existence of a relatively narrow belt of woodland on the site's western boundary could potentially have been in existence but not recorded. Thus the pre 1841 mapping evidence should not be read as completely ruling out Ancient Woodland in the limited area claimed by the Council.
  26. The Council's case on the roadside strip being Ancient Woodland relies substantially upon a finding of ancient woodland vascular plant indicator species (AWVPs) in this area. However, the appellant drew a comparison between the number and spread of AWVPs over the area alleged to be Ancient Woodland and the remainder of the site, acknowledged by the Council to be Secondary Woodland. This shows that the number and spread of AWVPs on the roadside woodland belt would be consistent with a view that it is Secondary Woodland. The likely explanation for the distribution of AWVPs across the appeal site is that they were spread from the adjacent Ancient Woodland.
  27. Having regard to the above the weight of evidence supports the appellant's contention that the tree belt adjoining Marringdean Road is not Ancient Woodland. However, even were the Council correct in its contention on the existence and extent of Ancient Woodland on this boundary this should not stand against the proposed development. Whilst the Framework opposes the loss of Ancient Woodland there is the caveat that this should be so "unless the need for, and benefits of, the development in that location clearly outweigh the loss".

28. The sketch plans show that development of the scale proposed could be undertaken with minimal direct impact on the tree belt. It is unlikely that the width of buffer generally sought between development and Ancient Woodland could be provided. This could give rise to some deterioration of the habitat. However, given the limited width and length of the woodland boundary the harm to Ancient Woodland, were such habitat to exist, would be small. To set against this would be the substantial benefit of providing housing, including affordable housing, in an area where there is a considerable shortfall of housing land, and the benefit of ensuring the management of the adjoining woodland. The Council says that regard should not be had to this as a more modest scheme could also have these benefits. However, it is against the proposed scheme that my decision must be based.
29. It is concluded that it is unlikely that there would be harm to Ancient Woodland and that even were such harm to arise it would be minimal. There would at best be no conflict with Policy CP1 of the LDF Core Strategy and Policy DC5 of the LDF General Development Control Policies on protecting biodiversity and at worst only minor conflict. Any potential harm would be clearly outweighed by the advantages that would arise from the proposed development.

### ***The Unilateral Undertaking***

30. To meet the CIL and the Framework tests obligations must be: necessary to make the development acceptable in planning terms; directly related to it; and fairly and reasonably related to it in scale and kind.
31. The requirement for affordable housing on site, and an off-site affordable housing contribution, is justified by a clearly established need for such housing. The level of provision sought, and financial contribution required from a development of the scale proposed, is established by the Council's Supplementary Planning Guidance (SPG) on Planning Obligations.
32. The other financial contributions are towards community facilities (to contribute towards a youth café/drop in centre), play space (contributions towards the maintenance of on-site play areas), transport (contributions to improve access from the site to amenities – including footpath improvements and enhancements to public transport), fire and rescue (contributions to improve fire and rescue services in the locality), education (contributions towards provision of primary, secondary and 6<sup>th</sup> form places in schools serving the site), libraries (contributions to provide improved library facilities in Billingshurst or Horsham). From the evidence provided I am satisfied that: there is policy justification for the contributions; they would address a need occasioned by the additional development; a methodology is in place to identify the sum to be paid; and it has been identified where the money could be spent. Given this the CIL and Framework tests would be met.
33. Reference has already been made to the Unilateral Obligation securing the management of the Ancient Woodland. For reasons already given this has been made necessary by the development and it meets the CIL and Framework tests.
34. This leaves for consideration that part of the Undertaking on the off site woodland planting. Even as secondary woodland the site, being lowland mixed deciduous woodland, is a UK Biodiversity Action Plan (BAP) Priority Habitat. The site is clear felled woodland which is regenerating. Although no rare or

protected plant species have been recorded the site supports a rich ground flora which includes AWVPs.

35. Policy CP1 of the LDF Core Strategy says that activities which may influence character should only take place where, amongst other things, the biodiversity of the District is conserved and enhanced. Policy DC 5 of the LDF General Development Control Policies says that development will not be permitted unless, where relevant, it includes measures to protect, conserve or enhance the biodiversity of the District. The Framework says that in determining planning applications local planning authorities should aim to conserve and enhance biodiversity. It says that this would be achieved by, amongst other things, refusing planning permission for development where significant harm would result that could not, at least, be compensated for.
36. It is the view of both parties that harm would arise in the absence of the compensatory woodland. I consider that the permanent loss of a substantial area of the woodland on the appeal site, a BAP Priority habitat protected by a Woodland TPO and with a rich ground flora has the potential to cause significant harm. I note suggestions that it is woodland of poor quality as regenerating scrub growth would detract from the current ground flora. However, it seems to me that this may not necessarily be the case with good management. Whilst such management may not have taken place in the past that does not mean to say that this would necessarily continue to be the case. With the Undertaking in place it is agreed between the parties that the ecological impact of the proposed development would be at worst neutral and at best positive.
37. However, to judge whether the compensatory woodland is justified it is necessary to go one stage further. That is to look more widely at the benefits and disadvantages of the proposal and to assess overall whether, in the absence of the Undertaking in this regard, permission should be refused. I am satisfied that so substantial a loss of this area of BAP priority woodland, with the ecological value referred to above, would be such that the economic and social benefits arising from the proposed houses, considerable though they are, and any potential benefit to the adjoining Ancient Woodland, would be insufficient to justify the proposed development in the absence of the compensatory woodland.

### **Other matters**

38. As well as strongly supporting the Council's reasons for refusal many local residents have additional concerns. However, turning to these, the relatively modest number of houses proposed would not constitute an overdevelopment of what is a fairly substantial village. Moreover, the village is sufficiently served by shops and schools/other services to comprise a reasonably sustainable settlement to accommodate the additional growth proposed. Any necessary improvements to services would be provided for in the Unilateral Undertaking. Outside commuting would be accommodated for as the village is well served by rail. Although on the periphery of the village, and some distance from local shops, the site is reasonably close to a secondary school, bus stops and the railway station. Whilst I acknowledge the various concerns on highway safety and traffic congestion there is no professional evidence that they should stand against the proposal. Nor is there any such evidence to suggest that more is required than would be provided in the Undertaking or

proposed conditions to ensure highway safety. Nothing that I saw suggested otherwise.

39. Noise and disturbance during development works may be controlled by condition. In this location, with the extent of other housing nearby, the proposed development, when completed and occupied, would not create a level of noise and disturbance harmful to living conditions. There is no substantial evidence to suggest that concerns on flooding have not been adequately taken into account by the appellant's Flood Risk Assessment. Regarding concerns on the impact of the proposal on wildlife detailed survey work identified no faunal interest that should stand against the proposal. There is no substantial evidence to support concerns that inadequate parking would arise. Local views on the need for affordable housing are mixed. Some say none is required and others that not enough would be provided. The Council's evidence is clear, such housing is required and the amount that would be provided accords with its Policies.

### **Conditions**

40. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to the standard conditions on outline permissions.
41. To protect the character and appearance of the area I shall: require the submission and approval of the details of the storage of refuse bins; and require approval to be given for boundary treatment. To ensure that development is undertaken in a satisfactory manner I shall require the submission and approval of a Construction Method Statement. In the interests of ensuring sustainable development I shall require development to achieve Code Level 3 of the Code for Sustainable Homes. So that the site is satisfactorily drained I shall require details of foul and surface water drainage disposal to be submitted and approved. To reduce the risk of flooding to future occupants and the surrounding area I shall require that development be undertaken in accordance with an approved Flood Risk Assessment. To ensure the recording of any features of archaeological interest I shall require a programme of archaeological work to be submitted and approved. To ensure that any potential pollution of the site is dealt with in a satisfactory manner I shall impose a condition requiring site investigation and remediation where necessary. In the interests of highway safety I shall require specified sight lines to be provided and retained. To protect trees I shall require the submission of a tree protection scheme. In the interest of the living conditions of future occupants I shall require the provision of on-site play space.
42. As this is a relatively level site there is no reason to require details of finished floor levels. On a residential scheme I see no reason to control external lightning or floodlighting. Permitted development rights for housing exist to give appropriate freedom to extend or improve houses without the need for permission and there is no justification for a general removal of such rights in this case. With appearance a reserved matter there is no need for a condition requiring the submission and approval of external materials. I see no need for a Community Engagement Strategy to encourage people to use woodland responsibly. It was agreed by the Council that initially imposed conditions on car and cycle parking, a Green Travel Plan, and landscaping were unnecessary.



## Conclusion

43. Drawing together my views I have found that conflict with LDF Policy DC 1 on the location of development beyond settlement boundaries should not, alone, stand against the proposal in the absence of a 5 year land supply. There would be no harm to the character and appearance of the area and even were harm to arise to Ancient Woodland the harm would be so small as to be readily outweighed by the need for housing. A Unilateral Undertaking is in place, that I may lawfully take into account, to ensure necessary contributions to infrastructure, the protection of adjoining Ancient Woodland and compensation for the loss of the BAP Priority Habitat.
44. I conclude, therefore, that the appeal should be allowed. In arriving at this conclusion I have had regard to the Government's introduction of the Planning Practice Guidance (PPG) after the inquiry closed. The content of the PPG has been considered but in the light of the facts in this case it does not alter my conclusions.

*RJ Marshall*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr R Green	Of Counsel
He called	
Mr J Hutchison BA MRTPI	Principal Planning Officer
Mr M Bright BSc BLD CMLI	Council Landscape Architect
Mr W Jones Cert Arb AAA	Council Arboriculture Officer
Mr A Leftwich BSc MSc MIEEM	Director of the Ash Partnership UK Ltd.

### FOR THE APPELLANT:

Mr C Boyle QC	Of Counsel
He called	
Mr C Hough BSc FRICS	Of Sigma Planning Services
Mr D Allen BA (Hons) Dip LA MAUD MLI	Of Allen Scott Ltd.
Mr A Baxter BA (Hons) MA (Oxon) MSc CEnv MCIEEM	Of Aspect Ecology
Mr J Forbes-Laird BA(Hons) MICFor MRICS MEWI M.Arbor.A Dip.Arb.(RFS)	Of Forbes Laird Arboricultural Consultancy

### INTERESTED PERSONS:

Dr R Smith	CPRE
Mrs B Bell	Parish Clerk – Billingshurst Parish Council
Mrs R Gee	Local Resident
Mr K Longhurst	Local Resident
Mrs S Kingston	Local Resident

## DOCUMENTS

- 1 Letters of notification of inquiry and those notified.
- 2 Council's opening submissions.
- 3 Statement of Common Ground.
- 4 Agreed housing land supply position.
- 5 Unilateral Undertaking (unsigned and undated).
- 6 Series of documents supporting the Unilateral Undertaking.
- 7 List of suggested conditions.
- 8 Agreed note of Biodiversity Offset Metric.
- 9 Series of documents labelled 1-4 submitted by Mr Leftwich.
- 10 Photographs of northern boundary and ditch and associated text.
- 11 Colour photographs of woodland.
- 12 "Indicators of Ancient Woodland" – Francis Rose.
- 13 CPRE Sussex Countryside Trust – supplementary statement.

- 14 Mr Longhurst's statement.
- 15 Mrs Gee's statement.
- 16 LDF Inset Map 4 – Billingshurst.
- 17 Marringdean Road MAGIC plot.
- 18 Plan 3451/AB-R1.
- 19 Drawing No. 10459-OA-03.
- 20 Drawing No. 10459-OA-03.B
- 21 Drawing No. 10459-500-1.
- 22 List of suggested conditions.
- 23 Final list of suggested conditions.
- 24 Undated Unilateral Undertaking.
- 25 Dated Unilateral Undertaking.
- 26 DA Addendum – Volume 2 Appendices.
- 27 Council statement on Unilateral Undertaking.
- 28 WSCC submissions on Unilateral Undertaking.
- 29 Planning Obligations SPD Annually Reviewed Annexes 2008-2009.
- 30 Planning Obligations SPD.
- 31 Council's closing submissions.
- 32 Appellant's closing submissions.
- 33 Appellant's costs application.

Richborough Estates

## Conditions

- 1) Details of the appearance, landscaping, 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide 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 including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) hours of construction work
  - viii) details of the means of undertaking the burning on site of materials.
- 5) No dwelling hereby permitted shall be occupied until provision has been made for the storage of refuse/recycling bins in accordance with details to have been submitted to and approved in writing by the Council prior to the commencement of development.
- 6) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 7) No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 8) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) of January 2013.
- 9) No development shall take place until a programme of archaeological work has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 10) No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been

submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the development begins.

- 11) If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of the source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 12) No part of the development shall be first occupied until visibility splays of 2.4m by 59m to the north and 2.4m by 97m to the south have been provided at the proposed vehicular access onto Marringdean Road in accordance with plans and details to have been submitted to and approved in writing by the Local Planning Authority. The splays shall thereafter be retained and no structure or erection exceeding 0.6m in height shall be placed in them.
- 13) The dwellings hereby permitted shall not be occupied until the roads, footways and casual parking areas serving that part of the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority.
- 15) The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Council for the protection of on-site trees to be retained and of off-site trees. Development shall be carried out in accordance with the approved details.
- 16) No development shall take place until details of play space provision, including the timetable for provision, has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.