



Appeal Decision

Site visit made on 25 May 2022

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/C1435/W/21/3283533

Land West of Five Ash Down Road, Cooper's Green

- 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 Mr Justin Owens on behalf of Silverleaf Group against the decision of Wealden District Council.
 - The application Ref WD/2020/1088/MAO, dated 2 June 2020, was refused by notice dated 1 April 2021.
 - The development proposed is for the development of land for up to 35 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the development of land for up to 35 residential dwellings at Land West of Five Ash Down Road, Coopers Green in accordance with the terms of the application, Ref WD/2020/1088/MAO, dated 2 June 2020, subject to the conditions in the conditions annexe at the end of this decision and the Unilateral Undertaking dated 29 April 2022.

Preliminary Matters

2. The above spelling of Cooper's Green is taken from the Ordnance Survey. The above description of development reflects the amended planning application form which changed the number of proposed dwellings from up to 39 to up to 35. The Council duly considered the proposal as up to 35 houses.
3. The application was submitted in outline with all matters reserved except the access. I have therefore considered the submitted layout and elevations as indicative only.
4. The decision notice refers to the impact of the proposal on the biodiversity of the appeal site. However following receipt of a survey for bats, the Council in their submitted evidence withdrew their concern on this ground. This issue is considered in more detail in the other matters section below. The appeal site is close to the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), and the Lewes Downs SAC which warrant consideration as a main issue.
5. The Council's remaining concerns relate to the scale of the development in terms of the location and the effect of the proposal on the character and appearance of the area. The latter subdivides into the impact of the proposal

on the appeal site, whether coalescence would result and the extent of development.

The main issues

6. The main issues are therefore:

- whether the appeal site is a suitable location for housing, having regard to local and national policies for development in the countryside;
- the effect of the proposal on the character and appearance of the area and;
- the effect of the proposal on biodiversity including the Ashdown Forest SPA and SAC and Lewes Downs SAC.

Reasons

The suitability of the location for housing

7. The decision notice records that the site is within the countryside and the site is outside a development boundary where the Wealden Local Plan (LP), 1998, saved Policies GD2 and DC17 resist residential development. Policies EN1 and EN2 promote sustainable and accessible development. Paragraph 79 of the National Planning Policy Framework (the Framework) requires the location of development to enhance or maintain the vitality of villages and identify opportunities for villages to grow and thrive. Paragraph 110 foresees the need for residential development to have access to sustainable transport modes.
8. The above policies seek to locate new development within or by settlements with facilities. The appeal site is almost adjacent to Five Ash Down village, segregated only by the A272 road.
9. Five Ash Down has a pub and a local post office/shop which is close to the appeal site and linked by roadside footpaths. Consequently, they would be readily accessible for the intended occupants by walking as I found on my site visit.
10. Whilst the village would not provide wholesale facilities, approximately 2 miles away is Uckfield, which is a pleasant town with a wide range of community facilities. Other settlements are also nearby. The Council's statement also acknowledges that bus services are reasonable. Cycling would be feasible as the roads and topography are generally favourable.
11. I therefore find that the occupants would have a choice to access facilities without use of a private vehicle, but the location would have some car dependency for some services and facilities.
12. The Council also refer to the scale of development in this location being contrary to the strategy in the above policies. Whilst the intended occupiers would have some car dependence, a development of up to 35 would not be excessive in terms of the size of Five Ash Down, and I do not consider this amount of houses would necessarily have to be located within a large settlement: it would not amount to the scale of a strategic site warranting substantial infrastructure. Moreover, the strategy towards larger settlements depends on whether sufficient land is clearly available within such settlements, which I return to latterly.

13. I conclude that the proposal would conflict with the above policies, but that conflict would be limited.

The effect of the proposal on the character and appearance of the area

Site as existing

14. The appeal site is within the dispersed hamlet of Cooper's Green which almost adjoins the much larger Five Ash Down, divided only by the A272. The latter is a village with a discernible centre but thereafter spreads out in a more dispersed form. To the south approximately 2 miles away is Uckfield.
15. The settlements in the area are very close to each other with generally little physical separation. To the western side of the appeal site the houses of Cooper's Green encroach up to the A272 frontage with Five Ash Down Road. Budlett's Common and Ringles Cross are hamlets which adjoin Cooper's Green and the appeal site. As a result, there are houses along the west and south sides of the appeal site, whereas the north and east sides are defined by roads.
16. The appeal site itself is an open field with long tussocky grass and a small area of ferns. There is a discernible slope towards mature trees on its west side and a slight fall to the south, but it is otherwise fairly featureless.
17. There are trees and scrub along the eastern boundary of the site with Uckfield Road, some of which are particularly tall specimens and draw the eye to the road. This roadside vegetation is not continuous and there are a few gaps through which the appeal site is evident.
18. On the opposite side of Uckfield Road is Buxted Park which is an area of historic parkland and woodland around the associated house; the house is not visible from the appeal site as a mass of various trees form a dense screen. However, an archetypal lodge marks the entrance to the Park which together with its discernible gate is a notable feature.
19. From my observations and the submitted landscape and visual appraisal, the views into the appeal site are close by and short range. The frontage vegetation limits the views into the site and the eye is also drawn to the boundary trees of the parkland to the east of the appeal site. The rising land to the west constrains outward views too.

The effect of new housing in principle

20. The proposed access is a detailed matter for consideration at this stage. It would be broadly in the middle of the appeal site, off Uckfield Road. The creation of the access and its visibility splay would result in some clearance of vegetation which would open up the view of the appeal site.
21. The proposed houses would be visible from the new opening particularly across the visibility splay. There would also be limited views elsewhere along the Uckfield Road frontage through the existing gaps in the frontage vegetation.
22. At the time of my site visit the trees were in leaf and offer considerable screening and filtering of some of the views that were attainable. However, during the winter, the site is likely to be more conspicuous.

23. Whilst the layout would be a consideration for the reserved matters, the proposal inevitably would lead to the majority of the site being changed from open grass to one of built development.
24. However, in principle the presence of housing in this location would not be unexpected, bearing in mind the houses to the west and south and to the north at Five Ash Down. In particular the houses to the north at Five Ash Down are prominent both along the A272 frontage and the road leading northwards through the village.
25. As I have found earlier, the views in and out of the site are short range. Consequently, the impact of the development would therefore be localised within the immediate area. These short-range views are not particularly distinctive as the site is fairly featureless except for the boundary vegetation. Therefore, in principle houses would not obstruct or intrude upon any notable views.
26. The site does provide a sense of openness, but this is limited as the boundary vegetation and the significant slope to the west prevent more distant views. Consequently, residential development in principle would not be significant in this regard.
27. Whilst the Council's submission suggests that the form of the development would be inappropriate and point to a line of development on the north side of Five Ash Down and west to the appeal site, I did not find on my site visit that a linear form of development was widely repeated in the vicinity of the appeal site, in particular, the neighbouring part of Five Ash Down has an expanse of housing.
28. I therefore find that in principle the development would not be out of place because of the other houses in the area, which are seen in conjunction with the appeal site, the nature of the views in and out of the site, as well as the nature of the site itself.

The number of dwellings and space for potential landscaping

29. The prominence of the houses would be muted if set away and behind the trees along the boundaries. The gaps in the frontage vegetation could be remedied by additional planting. The submitted layout shows that the existing landscaping can be retained whilst allowing for the quantum of dwellings. It is also on the edge of the appeal site so would not prejudice a potential layout. Consequently, I conclude that a reserved matters scheme would be capable of retaining this boundary landscaping.
30. As I have found above, new buildings would not appear out of keeping because of the presence of houses around three sides of the appeal site, particularly those of Five Ash Down which are prominent. There is no pressing need here to wholly obscure a development and ignore its presence. Rather the need of the landscaping would be to soften and filter views rather than obscuring buildings; there would be sufficient space for the existing and additional landscaping to offer such a prospect. A well-designed reserved matters scheme would have the potential to appear in keeping with the area.
31. There would be a loss of several trees and scrub due to the new access, a pedestrian access and outflow from the SUDs pond. The submitted arboricultural implications assessment shows that these would include some

hawthorn hedging, hazel shrubs and sycamores. However, these would be U and C category which are likely to be lost within 10 years or of low quality and value. There is potential for their replacement. Some crown lifting works would be needed to two oaks, but this would not be damaging if done in accordance with proper arboricultural practice. The above assessment shows that tree protection measures can be provided in conjunction with the quantum of development.

32. Whilst the layout would be a consideration for reserved matters, a SUDS pond is shown at the southern end of the site and being the lowest point, this would be likely to feature as such in the final design. There are also notable trees in this area which would have to be avoided. Thus, the southern part of the site would be capable of having little new development.
33. The indicative scheme across the appeal site is 23 dwellings per hectare¹. This shows that the quantum of development could be accommodated on site without appearing intrusive or intensive.

Potential coalescence

34. The decision notice refers to concern about coalescence between Cooper's Green and Five Ash Down. However, the A272 road provides a distinct physical separation between the two settlements. In any event, the existing houses at Cooper's Green, to the western edge of the appeal site, encroach up to the road frontage.
35. The appeal site has significant trees and shrubs around its frontages facing Five Ash Down, which would be reasonably expected to be retained and potentially reinforced (away from the visibility splay line). These would provide separation between the settlements. The vegetation would also soften the extent of development.
36. The southern part of the site as I have found above would be likely to have only sparse or no development due to the SUDs pond and the mature trees. Therefore, the extent of development would be limited in size. Consequently, even if one did consider that the proposal would lead to coalescence, the collective expanse of development would not appear as either large or dominating.

Conclusion on character and appearance

37. I therefore conclude that the proposal would have an adverse impact due to the loss of a grass field, amounting to between limited and very limited harm, depending upon the quality of a reserved matters scheme, in terms of its landscaping, elevations and layout.
38. Wealden Local Plan (LP), 1998, saved Policies GD2 and DC17 resist residential development outside development boundaries. Policies EN1 and EN2 promote sustainable and accessible development reflecting the existing settlement pattern. Policy EN8 is similar seeking to protect the landscape and together with Policy EN14 requires the retention of boundary trees. Policy EN27 of the LP requires consideration of the scale, site coverage, respect for the area and its local distinctiveness. LR3 and LR5 require open space provision. Policies WCS6 and WCS9 of the Wealden District Core Strategy Local Plan 2013, seek

¹ Page 14 Design and Access Statement

to provide general housing and affordable housing reflecting the form of settlements, their accessibility and meeting the needs of the area.

39. The Wealden Design Guide Supplementary Planning Document provides more detailed explanation and guidance on character, local distinctiveness and landscape. It provides guidance to consider matters such as settlement form, visual impact and landscaping.
40. Paragraph 126 of the Framework sees the creation of high quality, beautiful and sustainable buildings and places as fundamental to what planning should achieve. Paragraph 130 states developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
41. The proposal would conflict with the above policies and guidance because the proposal would be outside a settlement boundary and would be harmful, albeit limited/very limited impact. I consider the weight to this conflict latterly in the planning balance.

The effects of the proposal on the SACs and the SPA

42. The site lies within the zone of influence of Ashdown Forest SPA. This is noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017.
43. Having regard to the evidence provided by the Council I consider that the development could, in combination with other development in the area, have a significant adverse effect on the above designations through added recreational pressure, particularly dog walking, causing disturbance to ground nesting birds including Dartford Warblers and European Nightjars.
44. The proposal would increase the number of people living within a short drive of the SPA, which is an attractive semi-natural area, likely to be used for recreation. Visitor surveys carried out for the Council demonstrate that residents living within 7km of the Ashdown Forest are likely to visit it leading to disturbance.
45. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the above designations.
46. Due to the size of the appeal site there is no scope to provide on-site mitigation for the impacts on the SPA. The Council, in partnership with neighbouring councils and conservation bodies, including Natural England, has developed an approach to mitigation based on the provision of suitable alternative natural greenspace, enhancement of existing green space, enhancement of footpaths/rights of way, and access management. Residential development close to the designations can mitigate its potential adverse impact by making a financial contribution towards these initiatives.
47. Thus, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. This is an approach supported by Natural England (NE).

48. The contributions would be used to improve / maintain the visitor experience at the nearby strategic SANG in order to displace recreational trips away from the SPA. I am advised that there is capacity at the strategic SANG to accommodate the recreational trips that would arise from the appeal scheme. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the SPA.
49. The mitigation would help support an alternative recreational destination for residents of the scheme to avoid an impact and would assist in mitigating disturbance through behavioural change. The mitigation would ensure the proposal would not adversely affect the integrity of the SPA.
50. The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. Accordingly, the contributions towards SANG and SAMM are material considerations.
51. The appellant has provided a unilateral undertaking (UU) which commits to making a financial contribution to the above management. I consider that the undertaking meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and therefore carries weight. I am satisfied that these contributions, would result in suitable mitigation such that the development would avoid having any significant adverse effect on the SPA. The Council confirmed that the UU resolved their concerns in relation to this reason for refusal.
52. There is potential impact on heathland habitat in the Ashdown Forest SAC and habitat in the Lewes Downs SAC, which are vulnerable from atmospheric pollution from several sources including vehicle emissions from increased traffic associated with new development on the roads which go through, or run adjacent to, the SACs. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions. Additional nitrogen could disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.
53. In March 2019, NE published its European Site Conservation Objectives: Supplementary Advice on Conserving and restoring site features ("the NE Advice") following consultation and based on extensive survey work which reached unambiguous conclusions that housing development in the wider area in combination would not be harmful. The Inspector for the plan covering South Downs National Park Authority confirmed this conclusion.
54. NE is satisfied that this proposal would not adversely affect the integrity of Ashdown Forest SAC and Lewes Downs SAC from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement. I therefore find that the proposal would not be harmful to the above designations in terms of air quality.

55. In conclusion, subject to the mitigation discussed above and secured through the planning obligation, the scheme would not adversely affect the integrity of the SPA in view of the site's conservation objectives. It would not be harmful to the SACs. Accordingly, the proposal would not conflict with Policy WCS12 of the Wealden District Council's Core Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

Other matters

56. The appellant undertook a bat survey at the appropriate time of year using the recognised methodology. This found insignificant use of the site by bats. The Council acknowledged and accepted these findings and withdrew their concerns on biodiversity. I also note the SUDS pond would provide a damp habitat which would diversify the ecosystem. Much of the trees around the edge of the site would be maintained and new planting would also be beneficial to wildlife. The appellant has submitted a biodiversity assessment which shows that a positive gain would result, bearing in mind the site has limited value at present. I find that the proposal would not be harmful to biodiversity and potentially an enhancement with new planting and other habitat creation measures.

57. The Parkland to the east is the registered Grade II* Buxted Park which includes gardens, parkland and woodland across two valleys separated by a central Ridge. It's boundary with the Uckfield Rd, facing the appeal site, consists of a dense mass of mixed species trees which screen the parkland. The lodge and its gates are notable features and demonstrate a parkland style although they are not listed.

58. The lodge is partly shielded from the appeal site by trees and a fence, and its orientation is towards the gateway, which shows an inward looking perspective. Thus, the lodge does not feature significantly in the views when seen in conjunction with the appeal site. The heritage report also shows no historic or cultural association between the site and the Park. In addition, the Uckfield Road also forms a substantial physical and visual barrier with the Park. I therefore find that the proposal would not harm the setting of the lodge or the Park as a whole. I also note the Council had no objection in this regard.

59. The Grade II listed Five Wents is 50m west of the appeal site. This 17th century red brick/tile dwelling is set back from the A272, so there is very limited visual connection with the appeal site and in any event the road and twentieth century houses intervene. It appears set within its own private grounds which forms its own context. I have not been made aware of any historic or cultural association with the appeal site. Coopers Cross House is also Grade II listed. This is within Five Ash Down village, which forms part of a view towards the appeal site but is sufficiently distanced to appear distinct with no apparent historic or cultural connection. Consequently, I find that the proposal would not harm the setting of the heritage assets. I also note the Council had no objection in this regard.

60. The Council have presented a decision in 2007 by the Secretary of State² for 15 dwellings at Oakleigh, Five Ash Down, and highlight a conclusion that the development would only add to the settlement's dormitory role. I note that site was concluded as being accessible, which the Council also accept in this case too. I find that the intended occupants of this proposal would be well located to

² APP/C/1435/V/06/1198477

use the local facilities, which would contribute to their viability. Whilst the employment opportunities may be limited (and hence a dormitory) that would be the case with many villages in the area.

61. The above decision also makes reference to the linear built form however that was in another part of the village. In addition, the 2007 proposal was for 15 dwellings, and it was concluded that this would not significantly contribute to housing land supply, whereas this appeal proposal is for up to 35 dwellings. Moreover the 2007 decision substantially pre-dates the Framework and its promotion of growth. Consequently, this decision does not point to a negative consideration of this appeal proposal.

Planning obligation

62. A Unilateral Undertaking (UU) dated 29 April 2022 has been submitted. This covenants to 35% of the dwellings being affordable housing³ and provides the details and processes for its delivery. This would be necessary to help meet the housing needs of the area and is a material consideration in the planning balance and is also a requirement in Policy AFH1 of the Affordable Housing Delivery Plan 2016. The UU also makes provision for up to 5% of the dwellings to be custom/self-build. This is promoted in paragraph 65 of the Framework and would help towards this particular need in the area.
63. Contributions to youth and adult playing space provision would be provided and a formula is shown based on the bedspaces resulting from a reserved matters scheme. This would be necessary to provide for the needs and mitigate the impact of the additional residents, in accordance with saved policies LR3 and LR5 of the Wealden Local Plan.
64. The UU also has a clause for the access works and adoption of the road. This would avoid problems of an unfinished or unmaintained road which would impair the safety and access of the residents.
65. The UU also provides £5,000/dwelling for measures to provide alternative open space to divert pressures from Ashdown Forest Special Protection Area. Additionally, £1,170/dwelling would also be provided for monitoring impacts. This is necessary to mitigate impacts on protected species as considered earlier.
66. I am satisfied that each obligation contained in the UU would meet the tests in the CIL Regulations and the Framework, in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale.

Planning Balance

67. As I found earlier the proposal would be outside a settlement boundary and would be in a location which would have partial reliance upon private car use. The proposal would also lead to harm to the character of the area. Accordingly, the proposal would be contrary to the Development Plan.
68. The Council confirms its assessment of housing land supply at 1 April 2021 was 3.66 years. This means that paragraph 11d (ii) of the Framework is therefore triggered as footnote 7 does not apply. This states that where policies are out

³ Definitions on page 3 of the UU

of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

69. This housing land supply shortfall is substantial, and I have not been made aware of any prospect of the situation improving. Indeed, as the Local Plan was adopted in February 2013 and an early review was recommended, this dated plan does not offer hope of an improving situation.
70. The inadequate housing land supply situation shows that the housing strategy policies have not delivered sufficient housing. Consequently, there is a need to consider additional development even if contrary to the strategy.
71. Whilst the occupiers of the proposal would have some reliance upon private car for some access to services and facilities, inadequate alternative housing land would be deliverable to offer wholly accessible locations. Accordingly, I give the conflict with the Development Plan limited weight in this regard.
72. As I found earlier the proposal would lead to an adverse impact on the character and appearance of the area of between limited to very limited harm (depending upon the scheme approved at the reserved matters stage). In the absence of an up to date local plan and very deficient housing land supply, there is no clear likelihood of other sites coming forward which would have less impact. Accordingly, I give the conflict with the Development Plan very little weight in this regard.
73. Taken as a whole I find that the proposal would be in conflict with the Development Plan but this would be of limited weight.
74. Paragraph 8 of the Framework provides the three overarching objectives of the planning system: economic, social and environmental. The proposal would provide up to 35 houses which would have economic benefits from their construction. Additionally, there would be an economic benefit as the occupants would support local services. The dwellings would provide new houses which would be a social benefit, such new homes are particularly important considering the land supply situation. The affordable houses, potentially 9, would be a significant benefit to those in substandard living conditions. Similarly, the self-build and custom build units would contribute towards this social need. In terms of the environmental objective the proposal would lead to landscape harm as above. The suggested condition on approval of water and energy efficiency measures would ensure that the houses are environmentally favourable in keeping with the environmental objective.
75. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conditions

76. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. There was agreement between the parties on conditions except for the timing of the submission for reserved matters as below.
77. The standard conditions on outline permissions are imposed in the interests of clarity, albeit the wording in the model conditions is preferable in terms of

precision. Whilst the Council in their suggested condition 2 states a one-year commencement following reserved matters approval this would be overly constraining on the development process and it is not guaranteed that this would be achievable. Whilst the more usual timescale of three years may be a discouragement towards implementation to meet the pressing housing shortfall, a two year commencement would be reasonable.

78. The suggested archaeology conditions 3 and 4 are combined for clarity. The condition is necessary to allow for the understanding and appreciation of the remains. The appellant's heritage report acknowledged the appropriateness of a recording condition. This is worded as pre-commencement so that the survey is implemented prior to ground disturbance.
79. The suggested condition on the mix and location of the market dwellings is put forward on the basis of infrastructure impact. However, this is only 35 dwellings on a contained site so the infrastructure demands would not be onerous or different across the site and the UU makes provision. This is not therefore considered necessary.
80. The contaminated land conditions are necessary as this is an agricultural field and chemicals may have been in use. However, the wording is changed to the model condition for clarity. A noise condition is suggested in the interest of avoidance of disturbance to bedrooms and gardens. However, the dwellings would be likely to be set back from the road to maintain the boundary landscaping and the roads are not major routes. This is not considered necessary. The suggested condition 8 on air quality during construction management would be onerous on this greenfield site but dust and disturbance measures are warranted, and the model condition is imposed. The working hours condition is similarly imposed to maintain living conditions.
81. The foul drainage condition is necessary so that this basic infrastructure is provided albeit that the last sentence of the suggested condition confuses what should be the submission and approval of necessary details. The surface water condition confirming the use of SUDs is necessary in the interest of accommodating run off on site to avoid overloading the existing system and help biodiversity. This condition and drainage maintenance are worded as pre-commencement submission of details, so that they would not be prejudiced by the built development. The condition on the maintenance and management is necessary to ensure that these facilities are kept in full operational order. The suggested condition 13 on submission of photographs is unnecessary as the Council would be able to inspect the system.
82. A suggested condition promotes energy and water efficiency. Local Plan Policy EN1 does promote both and this is supported in the climate change thrust of the Framework. This could be incorporated into the detailed design. The wording of the condition has been simplified.
83. The condition on the details of the access and footway are important for safety and to provide for pedestrian accessibility for the intended residents, so are imposed. These are necessary as pre-commencement to allow for provision during construction. Similarly, the provision and maintenance of the visibility splays are required. The dimensions for car parking spaces would be shown in the detailed layout for the reserved matters and do not therefore need a condition at this outline stage. The submission of a Travel Plan would help promote low carbon accessibility and is therefore necessary, albeit that the

wording has been simplified. The conditions on road drainage, street lighting and road adoption are matters for the highway authority as part of the adoption process and not therefore warranted as conditions. In any event the UU has a clause on road adoption.

84. The landscaping details would be considered in the submission of reserved matters but a management scheme for the future upkeep would be needed particularly bearing in mind the vegetation around the site and the open space to the south. Similarly, a condition is warranted on the provisions and management for biodiversity improvement in the interests of maximising opportunities within the site and its boundaries. A condition on external lighting is needed to respect bats and a dark landscape in accordance with paragraph 185 of the Framework. Arboricultural conditions are imposed for the retention and protection of vegetation which as I found earlier would help the appearance of the development.

Conclusion

85. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions in the annexe below.

John Longmuir

INSPECTOR

Conditions annexe

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 takes place 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 2 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved.
5. 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 a scheme that has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared in accordance with a scheme that has been submitted to and approved in writing by 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.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities and their use; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

7. During the construction phase, no audible works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall only take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

8. No works below ground level shall take place until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented as approved before the associated buildings to which they relate are occupied.

9. No development shall commence until details of surface water drainage, which shall follow the principles of sustainable drainage, have been submitted to and approved in writing by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings within a phase. The detailed surface water drainage drawings and calculations shall include the following:

a). The surface water drainage strategy outlined in Motion Consultant's Flood Risk Assessment and SUDs Assessment Report (dated November 2020) shall be carried forward to detailed design. Surface water runoff from the proposed development shall be limited to 2.7 l/s for all rainfall events, including those with a 1 in 100 (plus climate change and an allowance for urban creep) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

b) The details of the outfall of the proposed attenuation pond and proposed outfall connection shall be provided as part of the detailed design. This should include cross sections and invert levels.

c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d) The detailed design of the attenuation pond shall be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which

will be taken to manage the impacts of high groundwater on the drainage system shall be provided.

10. Prior to the commencement of development a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority for approval in writing, together with a timescale for implementation. The management plan shall cover the following: a. Who will be responsible for managing all aspects of the surface water drainage system, including piped drains. b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development. These approved details shall be implemented in accordance with the approved timescale and shall thereafter remain in place.

11. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained. These arrangements shall be retained thereafter.

12. The development shall not commence until technical details of the new access and highway works which shall include details of crossing points and footway widening on Coopers Green Road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be occupied until the construction of the access and associated highway works have been completed in accordance with the approved specification.

13. The access shall be brought into use until visibility splays of 2.4m by 115m north and 2.4 by 130m south have been provided. They shall be maintained as such thereafter and kept clear of any obstruction to visibility above a height of 600mm above each carriageway level.

14. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

15. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

16. Before any above ground works a wildlife management plan shall be submitted to the Local Planning Authority for approval. This shall include a timetable for measures to protect and enhance bats, birds, reptiles, newts and badgers. The approved management plan shall be implemented in accordance with the approved timescale.

17. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to

design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

18. All works shall be carried out in strict accordance with the approved Arboricultural Impact Assessment and Arboricultural Method Statement and all tree work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).

19. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development unless in accordance with details submitted to and approved agreed in writing by the Local Planning Authority beforehand.

20. Prior to occupation, all the new dwellings shall be constructed in accordance with details of water and energy efficiency measures which have first been submitted to and approved by the Local Planning Authority.

End of conditions