



Appeal Decision

Hearing (Virtual) held on 23 November 2022

Site visit made on 24 November 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2022

Appeal Ref: APP/P1425/W/22/3300813

Land at The Telephone Exchange, Goldbridge Road, Newick BN8 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Lewin (Constantia Estates Ltd) against the decision of Lewes District Council.
 - The application Ref LW/21/0700, dated 26 August 2021, was refused by notice dated 9 June 2022.
 - The development proposed is erection of 36 dwellings (including 40% affordable), access, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 36 dwellings (including 40% affordable), access, landscaping and associated infrastructure at Land at the Telephone Exchange, Goldbridge Road, Newick BN8 4QP, in accordance with the terms of the application, Ref LW/21/0700, dated 26 August 2021, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. A signed and executed Legal Agreement securing planning obligations pursuant to S106 of the Town and Country Planning Act 1990 was received before the Hearing. I deal with this later in my decision.
3. The appeal site lies within the 7km Zone of Influence of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) (the European Site). Whilst not a matter in dispute, and not raised as an issue at the Hearing, within the context of this appeal, the responsibility for assessing the effects of the proposal on the European Site falls to me as the competent authority. For this reason, and having regard to my conclusion in respect of the first main issue, this matter warrants consideration as a main issue.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the integrity of the European Site.

Reasons

Character and appearance

5. The appeal site comprises a roughly rectangular-shaped undeveloped field. It lies on the south side of the A272 Goldbridge Road, on the eastern edge of the village of Newick. There is an existing vehicular access from Goldbridge Road and an overgrown, narrow pedestrian access from Church Road.
6. The site lies within the designated Planning Boundary for Newick according to Policy DM1 of the *Lewes District Local Plan Part 2 Site Allocations and Development Management Policies* (2020) (the LDLP2), where new development is permitted in principle. In addition, the appeal site is designated for housing development under Policy HO3 of the *Newick Parish Council Neighbourhood Plan-Newick Now to 2030* (2015) (the NP).
7. The appeal site boundaries, including the road frontage, are mainly defined by a mix of mature trees and hedgerows. There are neighbouring residential properties to both sides along Goldbridge Road and to the rear in Church Road and Bannisters Field. On the opposite side of the road is farmland. To the east of the site there is also farmland, known as Woods Fruit Farm, part of which is also allocated for residential development in accordance with NP Policy HO4.
8. The appeal site benefits from a recent outline planning permission for the erection of up to 30 dwellings¹. NP Policy HO3.3 states that 30 homes may be constructed on the allocated site including a mix of housing sizes, made up predominantly of smaller units and with none having more than 4 bedrooms.
9. The proposal would provide 36 dwellings (including 40% affordable) consisting of a mix of semi-detached and detached two storey houses and 2 blocks of flats, each comprising 2 storeys plus roof accommodation. This would amount to 12 x 1bed flats, 18 x 2-bed houses, 5 x 3 bed houses and 1 x 4-bed house. This accords with the housing mix set out within Policy HO3.
10. The site lies in an edge of settlement location, which is where the Council considers that a lower density of development than that which is proposed, would be appropriate, having regard to providing a transition between the built and rural environment. Also, third parties have raised concerns that the proposed number of units exceeds the figure within Policy HO3.3.
11. The Officer Committee report confirms that the proposed density of development would be approximately 30.9 dwellings per hectare (d/ha), which would only slightly exceed the density figures for village development of between 20-30 d/ha, contained in LDLP1 Policy CP2. This policy also allows for higher or lower densities having regard to the specific character and context of a site.
12. There are existing developments of varying densities within Newick village and within the immediate vicinity of the site, some of which the appeal scheme density would not be at odds with.
13. The proposal would not extend further eastwards into the countryside beyond the line of existing built residential development established by housing along Church Road/Bannisters Field and the neighbouring property fronting

¹ Ref LW/22/0456 approved on 21 November 2022

Goldbridge Road to the east of the site. Moreover, land to the east of the site, known as Woods Fruit Farm, is also allocated for residential development within the NP, and it is reasonable to assume that this site will come forward for redevelopment, having regard to recent applications in respect of its residential redevelopment. As such, the appeal site would not be located at the very edge of the village.

14. Of further relevance to the proposed development density figure, is that one third of the dwellings would comprise flats within two separate buildings, which would amount to a lesser built footprint that would be the case with individual houses, thereby aiding the provision of space within the development for undeveloped soft landscaped areas.
15. Taking the above factors into account, noting the location of the site in relation to existing and allocated residential developments, as well as the proposed well-contained nature of the appeal scheme due to existing boundary hedging and trees, whose retention and reinforcement could be ensured by means of planning conditions, I find the proposed density of development to be acceptable in principle, having regard to the village fringe site location.
16. In reaching this view, I concur with the opinion of both main parties, having regard to another appeal decision² and a Counsel Opinion³ in respect of a different site, that the NP does not place a cap on the amount of new development that can take place in Newick, so that the proposed 36 homes would not be unacceptable in principle in respect of Policy HO3, subject to an acceptable design.
17. In addition, the *National Planning Policy Framework 2021* (the Framework) encourages the effective use of land in meeting the need for homes, noting that small and medium sized sites, such as the appeal site, can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
18. The Council cannot currently demonstrate a five-year supply of deliverable housing. The evidence before me, including the most recently published figure in April 2022 of 2.73 years, together with the previous year's figures, is that the current housing shortfall is substantial, that the District's housing supply is on a downward trend, and that a shortfall is likely to persist, having regard to the Council's anticipated timescale to reach the adoption stage of a new Local Plan. This housing shortfall is a factor in support of the efficient development of allocated housing sites within the District.
19. In considering the matter of density, I have noted that the Policy HO3 allocation also includes a rectangular area of land to the rear of 11 Goldbridge Road. This land is not included within the appeal site, and concerned third parties consider it may become the subject of proposals for future redevelopment, thus increasing the density of development on the allocated site as a whole even higher.
20. I saw during my site visit that the land appears to be overgrown and disused, and the appellant has confirmed that it has been excluded due to land ownership issues. There is no compelling evidence before me that the land is likely to come forward for housing at a later date. As such, this does not

² Ref APP/P1425/W/15/3119171

³ Sought in relation to application Ref LW/18/0472

constitute a reason for dismissing the appeal, which I have determined on the basis of the appeal site and the merits of the development proposal before me.

21. The Council is also concerned that the proposed intensity of development would result in elements of the scheme related to the height and scale of the flats blocks, the spacing of buildings, and the positioning of parking, contributing to unduly urbanising impacts, having regard to the proximity of the site to the village fringe.
22. Having regard to roof heights, the majority of the proposed buildings would comprise two storey dwellings, in accordance with one of the objectives of NP Policy HO1, which sets out design guidance for new housing development within Newick Parish. Whilst the proposed second floor of living accommodation would not be completely sited within the roof space of the proposed flats blocks due to raised eaves heights, Policy HO1 does not preclude accommodation within the roof space.
23. I find that, within the context of the remainder of the appeal proposal and existing surrounding built development, the proposed roof level accommodation element of the scheme would not be unduly visually prominent or out of keeping. This is partly due to an existing variety of roof heights and forms within existing neighbouring development, including a nearby property in Church Road, which is 3-storey as a result of roof level living accommodation. Also, within the appeal scheme, roof ridge heights would step up from the site frontage towards the flats blocks, in line with a gradual increase in land levels southwards towards the rear of the site. Within this context, the overall height of the flats buildings would not be incongruously higher than those of the adjacent houses.
24. Moreover, the relatively central position of the flats blocks within the overall scheme, together with the largely enclosed nature of the scheme by surrounding built development and boundary landscaping, would mean that the proposed higher flats blocks would not be overly conspicuous from outside the site.
25. Notwithstanding the contribution made by their larger footprints to the overall mass and scale of the flats blocks, some elements of the design detailing of these buildings, such as front and rear elevation projecting gable features, ground and first floor front bay windows and disguised main front entrance doors, provide an element of visual assimilation with the proposed housing units and a design suggestion that the blocks comprise pairs of semi-detached villas. As such, notwithstanding their proposed height and scale, the design of the flats blocks would not appear unduly discordant within the predominance of two storey semi-detached and detached houses which make up the remainder of the development.
26. Neither do I find the property spacing within the proposed 3 new rows of dwellings to be unduly incongruous within the context of an existing mixed layout of built development within the site vicinity, which includes pockets of regularly positioned dwellings side by side in close proximity to each other. Although the appeal site lies near the village fringe, the proposed positioning of the new dwellings in alignment with the side and rear site boundaries, together with the enclosed nature of the site, means that there would be no resulting materially harmful restriction of countryside views as a result of the proposed arrangement of buildings.

27. NP Policy HO1 promotes parking which is located inconspicuously at the rear of dwellings, so that the proposed parking for the houses at the front of the buildings would run counter to this. However, this is a preference, rather than specific requirement of the policy. The proposal includes substantial areas of soft landscaping within the part of the development within the public realm to the front of the dwellings. Having regard to the proposed large size of this visually prominent green part of the development, and the potential for the introduction of small elements of soft landscaping within some of the frontage parking and for variations in the surface treatment of the parking and other hardsurfaced areas, I am satisfied that the proposed parking layout would not be unduly urbanising or materially harmful to the visual amenities of the development as a whole. This is subject to conditions to ensure the implementation of high quality soft and hard landscaping details.
28. I have noted the Council's concerns in respect of the proportion of the appeal site that would be built over or hardsurfaced. In addition to the aforementioned centrally located area of communal soft landscaping, which extends to the south of the easternmost block of flats, each of the houses would have private rear gardens. As a result, and notwithstanding the inclusion of proposed parking courts for the flats, I find that there would be ample soft landscaping within the development to adequately visually soften the development, so that it would not appear unduly urbanising in this location. Moreover, the inclusion of a variety of surfacing materials would potentially add visual interest to the hardstanding elements of the development.
29. Having regard to what I saw during my site visit and to the appellant's submitted visual assessment, I find that, whilst some parts of the development are likely to be visible when approaching the site along Goldbridge Road, views of the site from the public domain and within the wider rural village scene are likely to be very limited.
30. For the above reasons, I therefore conclude that the proposal would not materially harm the character and appearance of the area. As such, the appeal scheme would accord with LDLP1 Policies CP2 and CP11, LDLP2 Policy DM25 and NP Policies HO1 and HO3, in so much as these policies seek to ensure that new development is of a high quality design, which reflects the site context and the character of the surrounding area, including appropriate layout, density and height.
31. For similar reasons, the development accords with guidance in Chapter 12 of the Framework which requires high quality design.
32. In the interests of consistency of decision-making, my attention has been drawn to two recently dismissed appeals⁴ involving the proposed residential redevelopment of the former Woods Fruit Farm land as part of a scheme for 69 dwellings. Whilst these appeals were dismissed due to harm to the character and appearance of the area, and notwithstanding the proximity of that site to the current appeal site, I consider that these appeals are not directly comparable to the current appeal, having regard to matters including the NP policy context, the site location and the scheme details.
33. Whilst the Woods Fruit Farm site is also allocated for housing within the NP, and is also subject to NP Policy HO1, it is also subject to a different policy to

⁴ Refs APP/P1425/W/21/3268428 and APP/P1425/W20/3271620 dismissed on 27 October 2021

the current appeal site, Policy HO4. This sets out the allocated site boundaries and establishes that 38 or 39 homes are capable of being constructed on that site. Moreover, that site, being located to the east of the current appeal site, is clearly on the edge of the settlement and open countryside, and the site allocation, in addition to housing, includes provision for buffer zones requiring tree and hedge planting.

34. The dismissed schemes comprised a circa. 81% increase in housing over the amount suggested to be appropriate within Policy HO4. The appeal site land also incorporated unallocated open countryside land to the east of the allocated site, and this was a significant factor in the appeal Inspector's opinion that the scheme would harm the spacious beauty of the countryside where development is generally limited. As such, having regard to the differences between the two appeal sites and the development proposals in each case, these appeal decisions do not alter my conclusions in respect of the current appeal, which I must judge on the basis of the circumstances of the appeal site and the merits of the scheme before me.

European Site

35. The appeal site lies within the 7km zone of influence of the Ashdown Forest SPA and SAC (the European Site), which is protected under the *Conservation of Habitats and Species Regulations 2017* (the Habitats Regulations) on account of the presence of a distinctive habitat, including lowland heath, and breeding bird populations of European importance, in particular the nightjar and Dartford warbler.
36. Having regard to the evidence before me, I consider that the appeal scheme has potential, in combination with other development in the area, to have a significant adverse effect on the European Site as a result of additional recreational pressure, in particular walking and dog walking, causing disturbance to the aforementioned ground nesting birds, and adversely impacting upon their populations.
37. In this respect, visitor surveys carried out by the Council identified that Ashdown Forest is an attractive and compelling recreational resource which draws visitors from a wide area. As such, future occupants of the development, which would be located within short driving distance of the Ashdown Forest, would be likely to visit it, resulting in increased disturbance to the European Site.
38. 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.
39. Due to the size of the appeal site, there is no scope to provide on-site mitigation for the impacts on the European Site. 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.

40. As such, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). This is an approach supported by Natural England (NE).
41. The contributions would be used to improve/maintain the visitor experience at the nearby strategic SANG at Reedens Meadow, in order to displace recreational trips away from the Ashdown Forest. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the European Site.
42. 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 European Site.
43. The submitted Section 106 Planning Obligation commits to making a financial contribution to the above management. I consider that the contributions secured by the above means are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. They therefore meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations, and, as such, the Planning Obligation, in this respect, 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 European Site.
44. The supporting text to Policy CP10 of LDLP1 confirms that a Habitats Regulations Assessment (HRA) of the LDLP1 found that the Core Strategy would not have a significant negative effect on the Ashdown Forest in relation to air pollution resulting from vehicle emissions from additional traffic generated by new development within the district. Moreover, the Council's planning application Committee Report confirms that, following a High Court Challenge to the Council's HRA in respect of air quality impacts on the Ashdown Forest, the Council undertook a robust Appropriate Assessment (AA) of air quality impacts on the European Site, which was reviewed and endorsed by NE, and concluded that there would be no adverse effect upon the integrity of the European Site in respect of air pollution.
45. For the above reasons, I am therefore satisfied that, subject to the mitigation discussed above, to be secured through the S106 Planning Obligation, the development would not adversely affect the integrity of the European Site, having regard to the site's conservation objectives. As such it would accord with LDLP1 Policy CP10 and LDLP2 Policy DM24, which, amongst other things, require proposals resulting in a net increase of one or more dwellings within 7km of the Ashdown Forest to contribute to SANGs and SAMMS to mitigate the impact from recreational pressure. This would also accord with the Habitats Regulations which seek to ensure that development does not adversely affect European sites and species.

Other Matters

46. The S106 Planning Obligation would secure 40% of the development as affordable housing⁵ and provides the details and processes for its delivery. In accordance with LDLP1 Policy CP1, this equates to 14 on-site dwellings and a commuted sum of £24,224 towards off-site affordable housing provision, calculated in accordance with the Council's Affordable Housing SPD. This would include 25% as First Homes. The evidence before me, as agreed by the main parties, is that there is an acute need for affordable housing within the District, having regard to high housing prices in relation to incomes, and low rates of affordable housing delivery. The proposed affordable housing is therefore necessary to help address the housing needs of the District, and is a material consideration upon which I place substantial weight.
47. I acknowledge third party concerns about whether one-bedroom flats would address the local affordable housing need. Both main parties have confirmed that the Council's Housing Section was consulted prior to the completion of the Planning Obligation. Moreover, the Planning Obligation does not specifically stipulate the affordable housing plot numbers, tenure or internal floor space, details of which would be required to be the subject of an Affordable Housing Plan to be submitted to and approved by the Council prior to the commencement of the development.
48. The Planning Obligation also provides for £5,000 per dwelling for measures to provide alternative open space to divert pressure away from the Ashdown Forest European Site and a contribution per dwelling in accordance with the Council's SAMMS tariff relevant to the development would be provided towards monitoring impacts. As set out earlier, these contributions are necessary to mitigate the impacts on the European Site.
49. The obligations contained in the S106 Agreement also include the provision of off-site biodiversity enhancements, the requirement to enter into a S278 Agreement to secure off-site highways works in relation to the proposed access from Goldbridge Road and footways close to the access and the site, and financial contributions towards a Traffic Regulation Order, Travel Plan and recycling facilities.
50. I am satisfied, on the evidence before me, which includes a CIL Regulation Compliance Statement by the Council setting out the LDLP1 and LDLP2 policies relevant to the obligations, that the planning obligations contained within the Section 106 Agreement would meet the three tests set out in Paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in that they are all necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to it.
51. As the south-east corner of the site lies adjacent to the Newick (Church Road) Conservation Area, and the Newick (The Green) Conservation Area is located within around 75m of the western site boundary, I have a statutory duty to consider the effect of the proposal on the setting of these designated heritage assets.

⁵ Definitions on pages 6-8 of the Planning Obligation

52. The Council has not found any harm to the character and appearance of the above Conservation Areas as a result of the proposal. Since Newick The Green Conservation Area is separated from the appeal site by intervening built residential development, and the proposal would be screened from development to the west by boundary trees and hedging, I find that there would be no significant impacts upon the setting of that conservation area.
53. The Newick Church Road Conservation Area, only abuts a small section of the appeal site boundary. It primarily comprises residential development which fronts onto, or leads directly off, Church Road. Although the rural setting of this residential development is a positive feature of the conservation area, it has been accepted by the Council, as a result of the NP allocation, that the appeal site is suitable for residential redevelopment.
54. The proposal comprises traditionally designed buildings which take cues from surrounding residential development in terms of features such as materials, heights and architectural detailing. Moreover, the proposal accords with the objectives of the relevant NP policies in so far as they provide design guidance for the redevelopment of the appeal site. As such, having regard to this development plan policy context, I find that the proposal would not materially harm the setting of the Newick Church Road conservation area, subject to a number of planning conditions to ensure a high quality design of development, including ensuring appropriate building materials, building design details and heights, the removal of certain residential permitted development rights, and the implementation of a comprehensive scheme of landscaping, including existing boundary tree and hedge retention where appropriate.
55. I have taken account of third party objections in respect to impacts on neighbouring living conditions. I am satisfied that material harm would not arise in respect of these impacts, having regard to the design of the appeal scheme and the juxtaposition and separation distances between the proposed development and neighbouring properties. This is subject to a number of planning conditions, which include controls during the construction process, restrictions in respect of the detailed design of the development, a requirement for appropriate landscaping and boundary treatments and the stopping-up and/or making secure of the footpath link with Church Road, and the removal of certain permitted development rights.
56. Interested party concerns regarding surface water drainage details have been acknowledge, and, having regard to the Flood Risk Assessment and Conceptual Drainage Strategy submitted with the application, this matter is capable of being addressed by means of a planning condition.
57. In respect of third party concerns regarding an overload on infrastructure arising from the development, this matter is dealt with by means of the Council's Community Infrastructure Levy (CIL) requirements.

Conditions

58. In the event that the appeal was allowed, the Council has suggested a number of conditions, in respect of which the appellant has raised no objections. I have considered these in the light of the tests set out in Paragraph 56 of the Framework and the National Planning Practice Guidance (PPG), and imposed them where I consider them to be necessary and reasonable, incorporating amendments and deleting and/or amalgamating conditions for the sake of

clarity and precision and to avoid duplication. Some conditions require scheme pre-commencement submission and approval in the instances where such details need to be taken into account in the construction of the development, and therefore go to the heart of the planning permission.

59. In addition to the standard implementation condition (1), it is necessary to define the plans for certainty (2). At the hearing it was agreed by both parties that drawing Ref 210818 JLE-NEW-L-LS-001 titled "Indicative Landscape Strategy" listed on the decision notice, was submitted for illustrative purposes only and does not form part of the refused scheme. It was also agreed that planning application drawing Ref 2226(10)001A titled "Existing and Proposed Site Location and Block Plans" should have been included on the refusal notice. Condition no.2 is worded accordingly.
60. In the interests of highway safety and to protect the living conditions of neighbouring occupiers it is necessary to ensure that construction of the development takes place in accordance with an approved Construction Method Plan (CMP) (3) and that construction works and related deliveries only take place during restricted times (4).
61. In the interests of highway safety, conditions are necessary to ensure the provision of adequate road, access, highway visibility splays and parking provision (5), (6), (7) (8) and (9).
62. To ensure that the development does not increase flood risk on or off site, a condition is necessary to ensure the implementation, and subsequent management and maintenance of, a SuDS scheme (10).
63. In order to protect the character and appearance of the area, having regard to the edge of settlement location and density of built development hereby approved, conditions are necessary to ensure certainty in respect of the proposed finished levels of the development (11), the provision of an appropriate hard and soft landscaping scheme (12), the removal of specified permitted development rights (13) and the provision of appropriate external materials (14).
64. Also in the interests of the character and appearance of the area, and the protection of disturbance to nocturnal species, a condition is necessary to maintain control over the design of any future external lighting (15).
65. In the interests of protecting existing on-site ecology and ensuring net biodiversity gain, a condition is necessary to ensure that development is carried out in accordance with an approved biodiversity mitigation and enhancement scheme (16).
66. As the southeast part of the appeal site lies within an Archaeological Notification Area, conditions are necessary in respect of archaeological protection (17, 18 and 19). Having regard to the residential nature of the development, a condition is necessary to ensure that any existing site contamination is appropriately dealt with (20).
67. In the interests of sustainable construction, a condition is necessary to ensure that elements of renewable energy, carbon saving, and/or energy and water efficiency measures are incorporated into the development (21).

68. To ensure that the development provides opportunities for sustainable transport modes, conditions are necessary to ensure that the development provides a scheme for Electric Vehicle Charging (22) and secure cycle parking provision (23).
69. In the interests the living conditions of future occupiers of the development, conditions are necessary to ensure the provision of Ultra-Low NOx boilers (24), the provision of facilities for the storage and collection of refuse and recycling (25), the provision of a children's play area (26) and the stopping up and/or securing of the footpath between the site and Church Road (27).

Conclusion

70. For the above reasons, I conclude that the appeal should succeed, and planning permission be granted subject to conditions.

S Leonard

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and reports: 2226(10)001A; 2226(10)002A; 2226(11)001B; 2226(11)002B; 2226(21)P01-02A; 2226(21)P03-04A; 2226(21)P05-06A; 2226(21)P07-08A; 2226(21)P09A; 2226(21)P10A; 2226(21)P11A; 2226(21)P12-13A; 2226(21)P14-15A; 2226(21)P16-17A; 2226(21)P18A; 2226(21)P19A; 2226(21)P20A; 2226(21)P21A; 2226(21)P22A; 2226(21)P23-P24A; 2226(21)P25-26A; 2226(31)001A; 210818JLE-NEW-L-TS-001 Tree Survey and Arboricultural Constraints Plan; and 6295_200P3 Access Plan
- 3) No development shall take place, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The CMP shall provide for:
 - i) the anticipated number, frequency and types of vehicles used during construction;
 - ii) the method of access and egress and routing of vehicles during construction;
 - iii) the parking of vehicles by site operatives and visitors;
 - iv) the loading and unloading of plant, materials and waste;
 - v) the storage of plant and materials used in construction of the development;
 - vi) the erection and maintenance of security hoarding;

- vii) the provision and utilisation of wheel washing facilities and other work required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- viii) details of public engagement both prior to and during construction works.

The development hereby permitted shall be carried out in accordance with the approved CMP.

- 4) Construction works, including works of site clearance and ground preparation, and deliveries to and from the site, shall not take place other than between 0800 and 1800 Monday-Friday, 0830 and 1300 on Saturdays and at no time on Sundays or on Bank or Public holidays.

- 5) No development shall take place until detailed drawings, including levels, sections, constructional details and street lighting of the proposed roads, have been submitted to, and approved in writing by, the local planning authority.

The development shall be carried out in accordance with the approved details.

- 6) The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
- 7) The development hereby permitted shall not be occupied until visibility splays of 2.4 metres by 116 metres to the west and 112 metres to the east have been provided at the junction of the access hereby permitted with Goldbridge Road. The approved visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
- 8) The development hereby permitted shall not be occupied until parking and turning areas hereby permitted have been provided. These areas shall thereafter be kept available at all times for the parking and turning of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 9) The parking spaces hereby permitted shall measure a minimum of 2.5m by 5m and shall include an additional 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.
- 10) No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shown on drawing Ref D1812-600, contained within the Flood Risk Assessment and Conceptual Drainage Strategy by Bright Plan Civils, Ref D1812/FRA3.0, dated 25 October 2021, shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation; and,

- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 11) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; and
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 12) No development shall take place above slab level until a scheme of hard and soft landscaping has been submitted to, and approved in writing by, the local planning authority. The landscape scheme shall include: indications of all existing trees and hedgerows on the land and identify those to be retained; planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; the design, type, position and scale of boundary treatments; hard surfacing materials; and an implementation programme.

The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme. All hard landscaping and means of enclosure shall be completed prior to first occupation of the development hereby approved. The soft landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of similar size, species and number as those originally approved.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement(s), alteration(s) or outbuilding(s) to the dwellinghouses hereby approved, as defined within Part 1 of Schedule 2, Classes A, B, C, D and E of that Order, shall be carried out.
- 14) No external materials or finishes shall be applied until a schedule of materials has been submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out and thereafter maintained in accordance with the approved details.
- 15) No external lighting shall be installed on the buildings or the road and parking areas hereby permitted unless details of such are first submitted

to, and approved in writing by, the local planning authority. The lighting shall then be installed, maintained and operated in accordance with the approved details.

- 16) No development shall take place until a scheme for biodiversity mitigation and enhancement has been submitted to, and approved in writing by, the local planning authority. This shall include measures for the protection of trees and hedgerows during the course of development, avoidance measures for reptiles, and the provision of bat and bird boxes and wildlife friendly planting. The development hereby permitted shall be carried out in accordance with the approved details.
- 17) No development shall take place until a programme of archaeological works in accordance with a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 18) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 17.
- 19) No development shall take place until details (including a detailed design of foundations, piling configuration, drainage and services and method statement relating to carrying out these works) to show how any surviving archaeological remains which are to remain in situ are to be preserved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved method statement.
- 20) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

- 21) No development shall take place above slab level until a scheme for renewable/carbon saving/energy and water efficiency measures to be incorporated into the development, has been submitted to, and approved in writing by, the local planning authority.

The development shall be carried out in accordance with the approved scheme and the approved measures be permanently maintained.

- 22) Prior to first occupation of each dwelling, a minimum of 1 x electric vehicle charging point shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the local planning authority.

The charging points shall thereafter be permanently maintained in an operable condition.

- 23) No development shall take place above slab level until details of secure cycle parking facilities have been submitted to, and approved in writing by, the local planning authority.

The approved cycle parking shall be fully implemented before first occupation of the development hereby permitted and shall thereafter be permanently retained.

- 24) Prior to the first occupation of the development hereby approved, details for the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero emission energy source) shall be submitted to, and approved in writing by, the local planning authority.

The development shall be carried out in accordance with the approved details and the approved boilers shall thereafter be permanently retained.

- 25) No development shall take place above slab level until a scheme for the storage and collection of refuse and recycling has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be provided prior to the first occupation of the development hereby permitted and shall thereafter be permanently retained.

- 26) The development hereby permitted shall not be occupied until a children's play area, including seating for adults, has been provided in accordance with details which have been submitted to, and approved in writing by, the local planning authority. These details shall include surfacing, drainage and landscaping details, and management and maintenance arrangements for the play equipment provided.

That area shall not thereafter be used for any other purpose other than as a play area.

- 27) Prior to the first occupation of the development hereby approved, the existing footpath connection between the site and Church Road shall be stopped up and/or made secure, in accordance with details submitted to, and approved in writing by, the local planning authority.

The footpath shall thereafter be permanently retained in accordance with the approved details.

*****End of Conditions*****

APPEARANCES:

For the appellant:

- Mr Mark Best – Parker Dann Chartered Town Planning Consultants
- Ms Lauren Parsons - Parker Dann Chartered Town Planning Consultants

For the Local Planning Authority:

- Mr James Smith – Specialist Advisor (Planning)
- Ms Joanne Stone – Principal Planning Lawyer

Others

- Mr Patrick Cumberlege
- Mr Stephen Clancy
- Mr Robert Boswell
- Ms Cathy Wickens