



Appeal Decision

Site visit made on 26 April 2023

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/C1435/W/22/3310445

Land north of Jubilee Drive and Highgrove Crescent, Polegate Easting 559644, Northing 105231

- 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 Taylor Wimpey UK Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/1637/MAO, dated 19 July 2021, was refused by notice dated 13 May 2022.
 - The development proposed is residential development (use class C3) comprising up to 180 dwellings; informal and formal open space, footpaths, cycleways and internal roads; associated parking, landscaping, planting, noise attenuation measures, utilities, drainage infrastructure and groundworks. All matters are reserved with the exception of vehicular access into the site, to be taken from Highgrove Crescent.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development (use class C3) comprising up to 180 dwellings; informal and formal open space, footpaths, cycleways and internal roads; associated parking, landscaping, planting, noise attenuation measures, utilities, drainage infrastructure and groundworks. All matters are reserved with the exception of vehicular access into the site, to be taken from Highgrove Crescent at Land north of Jubilee Drive and Highgrove Crescent, Polegate in accordance with the terms of the application, Ref WD/2021/1637/MAO, dated 19 July 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Outline planning permission is sought but with only access to be considered at this stage. Matters relating to layout, scale, appearance and landscaping are reserved for future consideration. I have determined the appeal on this basis.
3. Amended plans and updated documents have been submitted at appeal stage, including an updated noise assessment and plans to reflect the changes proposed within it. These include an increase to the size of the proposed development area (4.45ha to 4.7ha). This is not a minor amendment to the proposals. These plans were not before the Council at the time that it made its decision, and interested parties would not have been made aware of these revisions. Therefore, having regard to the principles established under *Wheatcroft*¹ and in the interests of fairness and openness, these revised plans will not form any part of this assessment.

¹ *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] P&CR 233

4. I have been provided with a Unilateral Undertaking (UU) pursuant to S106 of the Town and Country Planning Act 1990, which includes mechanisms which seek to provide affordable housing, open space, a management company, highways works and contributions, custom and self build plots and a travel plan. I will return to these matters later in this decision.
5. During the appeal process the LPA have confirmed that it will not be defending this appeal and has not submitted evidence to support its reason for refusal.

Main Issues

6. Consequently, the main issues are:
 - whether the site would be a suitable location for housing including with regard to its accessibility by sustainable methods of transport, and,
 - the quality of living conditions for future occupiers with particular regard to noise and disturbance.

Reasons

Location for Housing

7. The appeal site is outside the development boundary for Polegate and in the countryside for the purposes of the development plan. Policies GD2 and DC17 of the Wealden Local Plan 1998 (WLP) seek to restrict development outside the development boundaries, other than in particular circumstances, none of which have been advanced by the appellant. Consequently, the proposal would be in conflict with Policies GD2 and DC17 of the WLP.
8. Policy TR3 of the WLP and Policy SPO7 of the Wealden Core Strategy Local Plan 2013 (CS) require the provision of suitable public transport facilities and encourages reduction in the need to travel by car amongst other things.
9. Pevensey Town Centre and the Railway Station are around 2km away from the site and are well connected by footpaths. There would also be access to employment opportunities including Chaucer Industrial Estate and Chaucer Business park, and retail at a Lidl store within a 15min walk. As such future occupants could walk or cycle to some local facilities.
10. The site is located a minimum of around 500m from the nearest bus stop, with some properties requiring close to a 1km walk. Therefore, although there are public transport options in the area, given the distances involved, they are not readily accessible. However, the UU would secure a contribution towards more frequent, and evening and Sunday services from these bus stops. It would also secure a Travel Plan which would further promote sustainable transport modes. These actions are likely to reduce car dependence by improving the opportunity for future occupiers to utilise public transport options.
11. Therefore, taking into account the specific accessibility of this particular site, subject to the proposed improvements to bus services and Travel Plan measures the development could be made suitably accessible by sustainable methods of transport. As such it would not be contrary to Policies TR3 of the WLP and Policy SPO7 as set out above.
12. However, the proposed development would be located beyond development boundaries and therefore the site would not be a suitable location for housing

in this regard. The appeal scheme would be contrary to Policies GD2 and DC17 of the WLP, as set out above, in this respect.

13. Policy EN8 of the WLP relates to development within the Low Weald. The site is identified as being in the Pevensey Levels National Character Area. Policy SP01 of the CS seeks to protect distinct landscapes. Therefore, the policies set out above are more relevant to this main issue.

Living Conditions

14. I am provided with a detailed noise assessment which sets out that acceptable living conditions for future occupiers could be achieved with regard to noise and disturbance, subject to specific mitigation measures. These include a fence and bund. These findings are accepted by the Council's Pollution Control team.
15. It is proposed the bund would be landscaped with planting on both sides. Whilst the height of the fence and bund would be secured via condition, taking into account its position next to the developed feature of the A27 dual carriageway along with the potential for planting, this feature would not be visually jarring against the backdrop of the A27.
16. I am provided with an indicative layout which shows that up to 180 dwellings could be accommodated with a fence and bund in place. Notwithstanding this, the application is for up to 180 dwellings and layout is a reserved matter. As such even if the size of this feature increased, I am satisfied that there would be capacity on this site to accommodate the housing proposed.
17. Therefore, the proposed development would provide appropriate living conditions for future occupiers. Consequently, it would be in accordance with Policy EN27 of the WLP which, amongst other things, requires a satisfactory environment for future occupiers.

Other Matters

18. Concerns have been raised regarding the increased traffic flows along Jubilee Drive and in the nearby area. Detailed evidence has been provided along with commitments towards highway works in the UU and via condition which would ensure that there would not be a significant change to traffic conditions at nearby junctions. Also, whilst traffic volumes would increase along Jubilee Drive, they would not affect the character or use of this main access route and would not result in harm to highway safety. This approach is supported by Highways England and the Highway Authority and in the absence of compelling evidence to the contrary, I am satisfied that the development would not result in harm to highway safety.
19. There is likely to be some noise and additional traffic during construction, however this would be a temporary effect. Furthermore, a construction management plan detailing hours of work and noise mitigation measures could be secured by condition which would mitigate these effects.
20. The Community Infrastructure Levy would help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure, and community safety facilities by residents of the development. The development would be required to make a proportionate contribution in line with the Council's charging schedule.

Unilateral Undertaking

21. Policy AFH1 of the Affordable Housing Delivery Local Plan requires that for this site 35% of the number of dwellings should be affordable housing with a tenure split of 40% social rented, 40% affordable rent and 20% intermediate accommodation. The UU would secure 35% of the total number of dwellings as affordable Housing Units, with a tenure mix of 40% social rented, 31% affordable rented, 4% intermediate housing and 25% first homes, a form of discounted market tenure. This would satisfy the requirements of Policy AFH1.
22. The National Planning Policy Framework (2021) (the Framework) supports that the needs of groups with specific housing requirements are addressed, such as people wishing to commission or build their own homes. The Self Build and Custom Housebuilding Act 2015, requires local authorities to give enough suitable development permissions to meet the identified demand. The Council states that in October 2021 there were 148 applicants on the register. Therefore there is an evident undersupply in provision. The UU would secure 5% of the total number of dwellings as custom or self-build housing which would make a positive contribution to this undersupply.
23. The proposed development would include 3.94 hectares for natural and informal open space and 0.24 hectares as equipped play areas. This would exceed the Council's play space standards for the provision of such areas which are taken from the Fields in Trust target of 2.4 hectares per 1000 occupants.. There would also be a requirement for youth and adult playspace, and this would be secured via a contribution in the UU. The UU also secures the creation, retention and management of the on-site open space which is necessary to ensure their provision and availability into the future.
24. The formation of a management company would be necessary to ensure the ongoing maintenance and management of the publicly accessible open space and would therefore be necessary and relevant to the proposed development.
25. In addition to the highway works, travel plan, and public transport contributions which are required as set out above, the UU would also secure vehicular, pedestrian, cycle, and emergency access works by means of an agreement made under S278 and/or S38 of the Highway Act 1980 (as amended). These are directly relevant and proportionate to the development proposed and the UU secures that they would be carried out when appropriate.

Planning Balance

26. The Council cannot demonstrate a 5 year housing land supply, it states that it has a 3.66 year supply. Although the extent of the undersupply is not agreed by the appellant, it is evident that the Council cannot demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11(d) of the Framework is engaged which requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole.
27. The site is outside the development boundaries. Therefore, the development would conflict with policies GD2 and DC17 of the WLP. However, given the lack of a housing land supply, restrictive policies preventing the development of housing are out of date. As such I afford only limited weight to the conflict with

these policies, Nevertheless, this does not mean they do not apply and overall the proposal conflicts with the development plan as a whole. I do not find harm with regard to the accessibility of the site or living conditions of future occupiers, however the lack of harm in these regards is a neutral factor.

28. On the other hand, the proposal would provide up to 180 new homes, which would contribute to the government's target to significantly boost the supply of homes and the types of housing secured would address the needs of groups with specific housing requirements including affordable housing and people wishing to commission or build their own homes. Future occupants would be likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Furthermore, the development would create new areas of public open space. The appellant is also seeking to increase the frequency of bus services in the area, which would include those available during the evening and at weekends.
29. This leads me to conclude that the adverse impacts of the development would not significantly and demonstrably outweigh the considerable benefits set out above. As such this consideration is of sufficient weight to indicate that the presumption in favour of sustainable development should apply in this specific case. The development is therefore also in accordance with Policy WCS14 of the CS which reflects the requirements of the Framework in this regard and Policy EN1 of the WLP which requires that the Council pursues sustainable development.

Conditions

30. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents.
31. I am attaching the standard implementation and submission of reserved matters conditions, However, to ensure housing is implemented in a timely manner and due to the pressing need for housing in this area the timescales are shorter than the default. Therefore 1 year and 18 month periods would be reasonable in this case. In the interests of certainty a condition to define the plans with which the scheme should accord is also included.
32. A condition requiring a hydraulic model to be included with the reserved matters application for layout is needed. There is likely to be a need for reinforcement of the local foul sewerage network to accommodate the additional foul flow from the proposed development site. As such a condition to ensure the development is not occupied until the foul water drainage scheme is implemented would be necessary. Full details of surface water drainage have been provided, and I note that the Lead Local Flood Authority and the Council's Drainage Engineer are satisfied that suitable surface water drainage could be accommodated. A condition could be included which secures these details, along with details of its maintenance and management. To avoid a conflict between trigger points, these are pre commencement conditions. As such the development would not increase the risk of flooding on site or elsewhere. However, the development is required to be implemented in accordance with these conditions and as such a report verifying that has occurred is not necessary. Furthermore a condition requiring that there would be no discharge for contaminated drainage into ground or surface waters is necessary. As well

as a survey and details of any necessary mitigation for watercourses which take surface water runoff. These are required in order to ensure that the development does not increase the risk of flooding on site or elsewhere.

33. Details of the location of the market dwellings are required at reserved matters stage in order to ensure appropriate infrastructure is provided for future occupiers. Full details of the appearance of all aspects of the development would be secured at reserved matters stage and this would secure a high quality development and implementation.
34. Details of landscaping are reserved, therefore details of trees to be retained and new planting along with a management plan are required to be submitted at the reserved matters stage. This is necessary in the interests of the character and appearance of the area, as well as biodiversity. A restrictive condition specifying works that must not occur within root protection areas is needed for the same reason. However, although desirable, I am not provided with evidence that street trees and avenues are a particular feature of the area that must be replicated at this site. As such the condition requiring the provision of this feature has been omitted.
35. Details of landscaping within 20m of the A27 are required at the reserved matters stage in the interests of the safe and effective operation of the highway. Details to ensure the geotechnical stability of the A27 are required for the same reasons.
36. Whilst access points to the site form part of this decision, the details of the internal access roads do not. As such it is necessary to secure these details in the interests of highway safety. This requires the roads to be constructed to an adoptable standard. However, conditions cannot require land to be given up and as such I have removed the reference to the road being offered for adoption. The access points must be constructed at a safe gradient and with appropriate visibility splays and details and implementation of the pedestrian/cycle/emergency accesses are also required, along with details of arboricultural impacts which are necessary due to their location near existing trees in this instance. Details of car parking space sizes to be included at the reserved matters stage are also included. These are all required to ensure highway safety. The works to the Cophall Roundabout are required to be implemented for the reasons set out above.
37. Given the size of the development a detailed code of construction practice is required as well as a condition specifying hours of construction to ensure there would be acceptable effects on the living conditions of nearby occupiers, and in the case of the former, biodiversity as well as highway safety.
38. There is moderate potential at the site for archaeological remains characterised as Iron Age, Roman or Medieval field systems, land division or agriculture. As such conditions requiring archaeological assessment and a verification report are needed in order to allow appropriate conservation or recording of the archaeological interest of the site.
39. Details of an updated noise assessment and noise mitigation measures are required for the reasons set out above, as well as an assessment of overheating and ventilation along with any required mitigation. Details of air quality and emissions mitigation are also required. These are in the interests of the living conditions of future occupiers. Taking into account the size of the site

a condition specifying assessment, remediation and verification if unexpected contaminated is found is needed. This is to avoid unacceptable risk to water, property, ecology and human health. Furthermore, details of water and energy efficient are required in the interests of climate change mitigation.

40. Foraging bats and three common reptile species have been identified on the site. The Ecological report details measures to ensure that there would not be unacceptable harm to biodiversity, including wildlife habitats. However, full details of a wildlife management plan and ecological enhancements are required to supplement those set out in the ecological assessment particularly in terms of timings and future management. This would ensure that the development did not result in harm to trees or to biodiversity. A lighting scheme is required in the interests of ecology, as well as in the interests of the character and appearance of the area.

Conclusion

41. The proposal would not wholly accord with the development plan. However, in this particular case, the considerations set out above outweigh the limited conflict for this specific proposal. In these circumstances this indicates that planning permission should be granted.

H Miles

INSPECTOR

Schedule of 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 takes place and the development shall be carried out as approved.
- 2) An application for approval of the reserved matters shall be made to the local planning authority not later than 1 year from the date of this permission.
- 3) The development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan: TAYU3024-1001-B, Framework Masterplan: TAYU3024-3001-J, Land Use and Access Parameter Plan: TAYU3024-3401-B, Building Heights Parameter Plan: TAYU3024-3411-A, Green Infrastructure Parameter Plan: TAYU3024-3421-A, Illustrative Layout- TAYU3024-4001-D, Proposed Site Access Arrangement ITB13046-GA-001 Rev B, Proposed Pedestrian and Cycle Access Arrangement ITB13046-GA-011 Rev A.
- 5) The Reserved Matters application(s) for layout shall include the location of the 65% market dwellings approved to be provided on site. The development shall be carried out in accordance with the approved scheme.
- 6) The Reserved Matters application(s) for layout shall include a 2-D hydrodynamic integrated hydraulic model incorporating the culvert under the A27. The development shall be carried out in accordance with the approved scheme.
- 7) The Reserved Matters application(s) for landscaping and layout shall include car parking spaces which shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained for that purpose. The development shall be carried out in accordance with the approved scheme.
- 8) The Reserved Matters application(s) for landscaping and layout shall include details of those trees and hedgerows to be retained (including protection zones), those to be removed and new planting and an Arboricultural Method Statement to mitigate any impacts on the protection zones. The development shall be carried out in accordance with the approved scheme.
- 9) The Reserved Matters application(s) for landscaping shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority. The development shall be carried out in accordance with the approved scheme.
- 10) The Reserved Matters application(s) for landscaping shall include details of the hard and soft landscaping within 20 metres of the A27 boundary of

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

- 11) No development shall take place until, detailed plans, including levels, sections and constructional details of the proposed internal access roads, surface water drainage, foul sewers, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority.

These details shall show that the roads will be constructed to an adoptable standard, and that no lighting structures will be installed closer to the A27 boundary than 1.5 times the column height nor be directed towards the A27. The development shall be implemented in accordance with the approved details.

- 12) No development shall take place until a written scheme of archaeological investigation including a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition). The development shall be carried out in accordance with the approved details prior to the occupation of any dwelling on the associated phase.

- 13) No development shall take place, including any ground works or works of demolition, until full written details for a Code of Construction Practice have been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for:
- i) An indicative programme for carrying out the works;
 - ii) Measures for protection of retained features and surface water bodies on or adjacent to the site;
 - iii) A scheme for the control of noise and dust which shall accord with British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites;
 - iv) Management of traffic visiting the site including the anticipated number, frequency and types of vehicles used during construction, the times of delivery and collections which shall avoid peak traffic flow times between the hours of 0800 to 0900 and 1630 to 1800 and measures necessary to ensure highway safety,
 - v) The method of access, including temporary access points, on-site turning egress and routeing of vehicles temporary parking or holding areas;
 - vi) The parking of vehicles by site operatives and visitors,
 - vii) The loading, unloading and storage of plant, materials and waste,
 - viii) The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - ix) Measures to minimise the potential for pollution of groundwater and surface water;
 - x) Details of measures to manage flood risk, both on and off the site during construction

- xi) The location and design of security hoardings, site offices and storage compounds;
- xii) The arrangements for public consultation and liaison during the construction works.
- xiii) The approved COCP shall be adhered to in full throughout the construction period.
- xiv) That no bonfires shall be permitted during site clearance or construction.

The development shall be implemented in accordance with the approved COCP.

- 14) No development shall take place until the vehicular access serving the development has been constructed in accordance with the approved drawing no (Ref: ITB13046-GA-001 Rev B). The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
- 15) No development shall take place until details of the proposed Air Quality and Emissions mitigation measures for the operational phase of development shall be submitted to and approved in writing by the LPA. The details shall follow the Air Quality and Emissions Mitigation Guidance for Sussex, 2013 and shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure including electric car charging points. The approved mitigation measures shall be implemented prior to occupation of the development and retained as such thereafter.
- 16) No development shall take place until an updated Noise Assessment Report including full details of noise mitigation measures to be incorporated in the final layout of the site and the design of individual properties within it has been submitted to and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be implemented prior to occupation of the development and retained as such thereafter.
- 17) No development shall take place until an assessment in accordance with the guidance in 'Acoustics, Ventilation and Overheating – Residential Design Guide' (AVO), 2020 published by Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IOA), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of any overheating mitigation scheme required. The development shall be implemented in accordance with the approved scheme prior to occupation of the development, and retained as such thereafter.
- 18) No development shall take place until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the occupation of any dwelling on site.
- 19) No development shall take place until a detailed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- i) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual runoff, Q_{bar} for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
- ii) The details of the outfalls of the proposed attenuation ponds and how they connect into the watercourses shall be submitted as part of a detailed design including cross sections and invert levels.
- iii) The detailed design of the surface water attenuation structures shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- iv) Details of the measures proposed to manage exceedance flows. This shall also include details of how the existing overland surface water flows have been retained.
- v) Evidence that the existing watercourses on site have been retained within a communally maintained space shall be provided.
- vi) Evidence that the attenuation ponds have sufficient extra capacity to deal with the surface water flowpaths or that additional drainage has been installed to intercept these flowpaths and direct them to the ordinary watercourse.
- vii) That no surface water run off that may arise due to the development hereby permitted will flow into the highway drainage systems, and there will be no connections into those highways drainage systems from the development and its drainage system.

The surface water drainage shall be provided in accordance with the approved details prior to the occupation of the related dwellings on site. The approved scheme shall remain in place for the lifetime of the development.

- 20) No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the Local Planning Authority. The management plan shall cover the following:
 - i) who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall be carried out in accordance with the approved plan and shall thereafter remain in place for the lifetime of the development.

- 21) No development shall take place until details demonstrating that all proposed ground and/or building works safeguard and maintain the

geotechnical stability of the A27 during construction and occupation of the site, have been submitted to and approved in writing by the Local Planning Authority. The details shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges. The development shall be carried out and retained in accordance with the approved details.

- 22) No development shall take place until a detailed scheme for the enhancement of the site for biodiversity purposes has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the recommendations contained in the Ecological Assessment dated March 2021 and shall include timescales for implementation and future management. The development shall be implemented in accordance with the approved scheme of enhancements and retained as such thereafter.
- 23) No development shall take place until a detailed wildlife management plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the recommendations contained in the Ecological Assessment dated March 2021 and shall include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development including timescales for implementation and future management. The development shall be implemented in accordance with the approved wildlife management plan.
- 24) No development on each phase of the development shall take place until, full details for the incorporation of water and energy efficiency measures, the use of renewable energy and methods of sustainable construction within the development for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of any dwelling on the associated phase.
- 25) Prior to the construction of any outfalls of the proposed attenuation ponds, a survey of the condition of the watercourses which will take surface water runoff from the development shall take place. Results of the survey and any improvements to the condition of the watercourse that are required as a result of the proposed development and programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.
- 26) Prior to the occupation of any dwelling on the associated phase, the archaeological post assessment investigation for that phase shall have been submitted to and approved in writing by the Local Planning Authority.
- 27) Prior to the occupation of any dwelling on site, plans and details of the pedestrian/cycle/emergency accesses serving the development shall be submitted to and approved in writing by the LPA. The submitted details shall include an Arboricultural Impact Assessment of the proposed pedestrian/cycle and emergency accesses on the Root Protection Areas (RPAs) of existing trees and an Arboricultural Method Statement to

mitigate any impacts on the RPAs. The development shall be implemented in accordance with the approved details prior to the occupation of any dwelling on site.

- 28) Prior to the occupation of any dwelling on site, a verification report confirming that the approved air quality and emissions mitigation measures have been installed as approved shall have been submitted to and approved in writing by the Local Planning Authority.
- 29) Prior to the 90th occupancy within the development hereby permitted, the highway improvements to the A27 Cophall roundabout shall be constructed and opened to traffic in accordance with i-Transport Drawing No. ITB13046-GA "A27/A22 COPHALL ROUNDABOUT – POTENTIAL IMPROVEMENT SCHEME – OPTION TWO".
- 30) The vehicular access serving the development shall not be used until visibility splays of 2.4m x 33m are provided in both directions and the visibility splays shall be retained as such thereafter. There shall be no obstruction to visibility above a height of 600mm above each carriageway level. No gates, fences or walls shall be constructed within the sight lines/visibility splay.
- 31) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include lighting that is low level and directional. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK. No lighting structures may be installed closer to the A27 boundary than 1.5 times the column height nor be directed towards the A27. The development shall be carried out in strict accordance with the approved lighting scheme.
- 32) During the construction phase, no works shall take place other than within the hours Monday to Friday 0800 to 1800 hours, Saturday 0800 to 1300 and not at all on Sundays Public or Bank Holidays.
- 33) 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 and shall be retained thereafter.
- 34) 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 submitted to and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved

remediation scheme prior to the occupation of any dwelling on site. Prior to the occupation of any dwelling on site, a verification report confirming the completion of measures identified in the approved remediation scheme have been carried out shall have been submitted to and approved in writing by the Local Planning Authority.

- 35) No trees and hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, topped, lopped or destroyed. Furthermore the following work shall not be carried out within the approved protection zone of any tree or hedgerow:-
- i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - iv) (No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.