



Appeal Decision

Hearing (Virtual) held on 7 November 2023

Site visit made on []

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/P1425/W/23/3322864

Land West of A275, South Chailey

Grid Reference Easting: 539186, Grid Reference Northing: 117100

- 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 Gladman Developments Ltd against the decision of Lewes District Council.
 - The application Ref LW/22/0418, dated 8 June 2022, was refused by notice dated 28 April 2023.
 - The development proposed is the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point at Land West of A275, South Chailey in accordance with the terms of the application, Ref LW/22/0418, dated 8 June 2022, 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. A planning obligation (S106) has been submitted which includes mechanisms which seek to provide affordable housing, biodiversity net gain, provision and management of open space, highways works and contributions towards local infrastructure. I will return to these matters later in this decision.

Main Issue

4. The main issue is whether the site would be a suitable location for housing with particular regard to character and appearance and local plan policies.

Reasons

Whether the site would be a suitable location for housing

5. The appeal site is outside the planning boundary of South Chailey and is therefore in the countryside for the purposes of the development plan. Policy DM1 of the Lewes District Local Plan Part 2 (2020) (LPP2) states, in part, that

outside the planning boundaries new development will only be permitted where it is consistent with a specific development plan policy, or the need for a countryside location can be demonstrated. The development would not satisfy these exceptions and is contrary to the development plan in this regard.

6. Policy SP1 of the Lewes District Local Plan Part 1 (2016) (LPP1) sets out the number of additional dwellings to be provided between 2010 and 2030 and Policy SP2 sets out where future housing development should be located. It allocates a minimum of 10 net additional units to South Chailey. The supporting text for policy SP2 of the LPP1 identifies South Chailey as a local village, which is suitable for housing growth of 10-30 dwellings. The supporting text for Policy HO1 of the Chailey Neighbourhood Development Plan Shaping Chailey 2019-2034 (NP) describes Chailey as having a quiet rural character and that future development should be 'small-scale'. Policy CP2 of the LPP1 expects housing development to achieve densities in the region of 20-30 dwellings per hectare (dph) in villages, but acknowledges that higher densities may be justified by the specific character of the site.
7. The appeal site is an open field with a mature hedgerow dividing the site. It is behind the residential development to Swan Close, Swan Court and the A275, and is surrounded by the rear gardens and land to these properties on two sides. To the south there is an access road, which is a public right of way, and to the west there is a belt of woodland. There is woodland and farmland beyond.
8. The open land is characteristic of this countryside location. However, there are domestic gardens and land surrounding on two sides and the site does not extend any further to the west than these adjoining long rear curtilages nor to the housing on Hornbuckles and Whitegates Close. Whilst there is a clear difference between the site and the domestic properties, the surrounding residential land has an urbanising influence on the site's immediate setting. Nevertheless the open green features of the site make a positive contribution to the rural character and appearance of the countryside land.
9. South Chailey is characterised by linear development along the A275 and Mill Lane, with a number of cul de sacs leading to development set back from this main road. The cul de sacs leading from the A275 are generally modest, serving a handful of houses, however development along the roads such as Marletts and Mill Banks is more extensive. As such, these types of development are part of the character and appearance of this village.
10. The appeal site is clearly visible from the part of the public right of way which runs alongside the site boundary. However, the woodland around the site provides significant screening from further along this route, as well as from the other nearby public footpaths. I do not have any substantive evidence that this woodland would be removed. There is a part of the site which borders the A275 which is clearly visible from the highway, although the majority of the site is screened behind the existing houses.
11. The proposed development would introduce housing development to this site with the associated roads, parking, domestic gardens and comings and goings. This would remove the open, green characteristics described above and there would be harm to the positive rural characteristics of the site in this regard. The indicative drawings propose a landscaped area along part of the southern boundary, and at the event I heard that there is potential for further

- landscaping to be included at the reserved matters stage. Nevertheless, even with planting, it is likely that the development would be visible from both the A275 and the southern boundary.
12. The development would also involve the loss of hedgerow fronting the A275, however the majority could be replanted with a set back from the roadside to allow for the required visibility splays. There would also be a loss of trees, although suitable mitigation would be secured at reserved matters stage.
 13. I have taken into account the characteristics of the site, adjoining residential land on two sides, and siting within the westerly extent of the existing development to this part of South Chailey. Along with the visibility of the site from localised views only. As such the harm to the countryside character and appearance of this area would be modest.
 14. The proposed development is for up to 56 homes. It would exceed the number of units suggested to be appropriate for a local village although it would not be contrary to policy SP2 of the LPP1 which sets out a minimum housing number. The evidence states that it would have a density of around 22 dph across the whole site, or around 38 dph across the developed areas. Considering the existing extent of residential curtilage, the layout and character of South Chailey, and the amount and location of housing proposed, the scale of development proposed on this site would respect the appearance of South Chailey, the specific character and context of the site and the quiet rural character of this settlement.
 15. The Interim Land Availability Assessment (February 2022) (LAA) identifies that this site would be 'deliverable'. However, this document is produced as evidence in preparation of the Local Plan, was not subject to public consultation, and specifically states that 'The inclusion of a site within the interim LAA should not be taken to imply that the site will be...looked upon favourably when determining planning applications'. Therefore whilst I have had regard to the evidence in so far as it relates to the matters before me now, this document does not consider the specific scheme or the evidence submitted for this appeal.
 16. I am also referred to the Interim Policy Statement for Housing Delivery (May 2021). This document provides guidance for the assessment of sites outside the settlement planning boundaries which are considered for housing development. Of the 8 criteria there is dispute as to whether the scale of development is appropriate to the size, character, and role of the adjacent settlement and whether it would respond sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. As well as regarding biodiversity. It can be seen above that whilst I find that the built form would be appropriate to the settlement, the loss of the rural character of the land would not be acceptable. Consequently, the development would not fully comply with these criteria and therefore this does not lend particular support to the development proposed. Furthermore, this document does not form part of the development plan.
 17. To summarise, the loss of the open undeveloped land would result in modest harm to the rural character and appearance of the surrounding area. Whilst the proposed built form would be in keeping with the character and appearance of the village, the lack of harm in this regard is a neutral factor that does not

weigh in favour of the development. Furthermore, the development would be outside the development boundary and contrary to the local plan in this regard.

18. Consequently, the site would not be a suitable location for housing with particular regard to character and appearance and local plan policies. As such, in this respect, the proposed development would be contrary to Policy CP10 of the LPP1, Policy DM1 of the LPP2 and Policy ENV3 of the NP. In addition to the aims set out above, together these seek to protect the distinctive landscape character and quality of the countryside and conserve and enhance natural beauty and the quality and character of the district's villages amongst other things.
19. Policy ENV1 of the NP mainly relates to landscape proposals, as such the policies set out above are more relevant to this main issue of this outline application.

Other Matters

Heritage

20. The Swan Public House is a Grade II listed building which derives its significance from its age and appearance, as well as its historic use as a pub, albeit it is now a private residential dwelling. The adjoining open land to its rear, including the appeal site, forms a direct part of its historic visual setting.
21. The proposed development would alter the open field to a housing development. Although an area of landscaping is proposed, this would nevertheless undermine views of the property from the south including the public right of way and would erode the traditional agricultural context of its surroundings.
22. It is not in dispute that there would be less than substantial harm to the setting of the Grade II listed Swan Public House. However, taking into account the extent of the effect on the significant features of this heritage asset, the harm in this regard would be minor. Nevertheless, in this respect, the proposed development would be contrary to Policy DM33 of the LPP2 in this regard, which requires that development affecting a heritage asset will only be permitted where it would make a positive contribution to conserving or enhancing its significance.
23. The National Planning Policy Framework (2023) (Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the Listed Building would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.
24. A development providing up to 56 new homes, 23 of which would be affordable would amount to a significant public benefit. By contrast I consider the harm to the setting of the Listed Building would be minor. Therefore, although I am required to have special regard to the desirability of preserving the setting of the Listed Building and such harm is a matter of considerable weight and importance, in this case it is outweighed by the scheme's public benefits. As such, the application of policies in the Framework that protect designated

heritage assets do not provide clear reasons for refusing the development proposed.

Ecology

25. The submitted Ecological Impact Assessment (November 2022) identifies that animals including slow worm, grass snake and common lizard are present on the site. Bats use the hedgerow and treeline habitat for foraging and commuting, and there are trees on site with potential for bat roosts. Breeding bird species were recorded. There are also Great Crested Newts within a dispersible range of the site and dormice were recorded on the site.
26. Whilst the development would result in the loss of an area of grassland habitat, it would retain the majority of the existing hedgerows and treeline. Furthermore, a landscaped area including the SUDS feature, along with boundary planting are shown on the indicative plans with potential to increase the extent of the boundary vegetation. A Landscape and Ecological Management plan could ensure that ecological enhancement was provided and maintained and this could be secured by condition.
27. Dormouse, Great Crested Newt and Reptile Mitigation strategies would also be required, to ensure that these populations are protected. As well as a lighting strategy to ensure any effects of lighting on biodiversity are minimised. These details could be secured by condition. Furthermore, the S106 includes that a biodiversity net gain (BNG) strategy must be submitted, implemented and maintained which would secure a minimum BNG of 10%. It was confirmed at the hearing that the baseline for the BNG assessment would be prior to the management and clearance works that have recently occurred on the site.
28. Consequently, subject to the measures secured by condition, overall the proposed development would have an acceptable effect on ecology.

Accessibility

29. There are some services within, or close to, South Chailey including a secondary school, local shop and some local employment. Other services such as the primary school and dentists surgery are located slightly further away. The appeal site is served by a bus service which, although not especially frequent, would enable some journeys to be undertaken without a car. There is also a train station at Cooksbridge, albeit it is not within walking distance of the proposed site, and the A275 would only be suitable for experienced cyclists.
30. However, this is a rural village where the opportunity to maximise sustainable transport solutions is less than in an urban area. The development includes a cycle access, cycle parking could be secured at the reserved matters stage and the S106 includes the provision to upgrade and provide dropped kerb crossings to bus stops, a travel plan, as well as a financial contribution towards increasing the frequency of bus provision. Furthermore, the Council's highways advisors do not consider that the increase in vehicle use would have an unacceptable effect on the operation of the highways.
31. I am provided with detailed evidence that the proposed development could provide appropriate access and visibility splays. I am satisfied that these have considered the speed that cars are travelling along this section of the road.

32. As such, given the scale and type of development and its location, appropriate opportunities to promote sustainable transport modes have been taken up and the location is suitable for the development proposed.

Infrastructure

33. The development would be liable for the Council's community infrastructure levy payment. This secures funds for community infrastructure, such as schools. As such, in combination with the site specific requirements in the S106 I am satisfied that the proposed development would have an acceptable effect on the provision of infrastructure.
34. I note the objections raised from neighbours that the development may affect the supply of utilities such as water and electricity. However, the undertakers that would provide such utilities do not object to the development. Therefore, in the absence of compelling evidence to the contrary, I am satisfied that the proposal would be acceptable in this regard.

Planning Obligation

35. Policy CP1 of the LPP1 requires a minimum provision of 40% affordable housing for this site. The S106 would secure 40% of the total number of dwellings as affordable housing units (23 units) with no more than 25% as first homes, no less than 56% as affordable rented and no more than 19% as intermediate housing units. The appeal scheme would therefore meet these requirements for the provision of affordable housing.
36. The S106 includes contributions towards recycling and bus services. I am provided with detailed evidence that these meet the tests and the amounts are fairly related in scale and kind to the development proposed. The requirement for Biodiversity Mitigation and the provision of a travel plan is set out above. A travel plan auditing fee is also required. Given the reviews required this would be proportionate and reasonable. Alongside the requirements for bus stop improvements and new crossings the S106 would also secure an extension to the footway and the implementation of the access via an S278 Agreement. It was agreed at the hearing that this could also secure any repairs to the highway as a result of this development.
37. The proposed development would include open space including a local equipped area for play. The S106 secures the specification and future management of the on site open space which is necessary to ensure its provision and availability into the future.

Planning Balance

38. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and the main parties agree that, for the purposes of this appeal, the Council can demonstrate a 3.02 year supply. Therefore 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. Therefore, the policies that are the most important for the determination of the application are deemed to be out of date. However, this does not mean they do not apply and overall, the proposal conflicts with the development plan as a whole.

39. There is an ongoing under delivery of housing and affordable housing within Lewes. Consequently, the district also has a high unaffordability ratio. The proposed development would provide up to 56 new homes, 40% of which would be affordable housing. Therefore, I afford significant weight to the benefit of the provision of housing and affordable housing as a result of this development. Whilst areas with better public transport connections may be a preferable location for the provision of affordable housing, given the significant undersupply, this contribution to providing affordable housing attracts a significant positive benefit.
40. The proposed development would also bring the associated economic benefits of 56 houses such as construction expenditure and jobs and spend in the local area from future occupants. It is likely that the improvements to services and local public spaces including new footpaths as set out in the S106 would not just be used by occupants of the development. By their nature such contributions are necessary to mitigate adverse effects and therefore any indirect benefits in this regard are minimal.
41. The proposed development would also secure a 10% BNG. However, given the lack of certainty as to how this would be delivered and whether it would be on or off site, the benefits in this regard would be limited. Nevertheless, taken together, the proposed development would deliver significant benefits.
42. However, for the reasons already given, the development would have only a modest adverse impact on the character and appearance of the countryside. As a result, the conflict with Policies CP10 of the LPP1 and Policy ENV3 of the NP is a matter of moderate weight against the scheme in this instance. Consequently, taking these matters together, the adverse impacts of the development would not significantly and demonstrably outweigh its benefits.
43. As a result, the application of paragraph 11 d) of the Framework indicates that permission should be granted, when assessed against the policies in the Framework taken as a whole.

Conditions

44. The suggested conditions were discussed at the event and I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I made it clear that I would make such amendments as necessary to comply with those documents.
45. I am attaching the standard implementation condition and the requirement to submit reserved matters and in the interests of certainty a condition to define the plans with which the scheme should accord.
46. A condition requiring the technical details of the access is necessary in the interests of highway safety. A construction management plan is also required in the interests of highway safety, as well as living conditions of nearby occupiers and biodiversity. Additionally, given the proximity of residential properties, a restriction on construction hours is needed in the interests of the living conditions of neighbouring occupiers. A pre commencement condition requiring work on land which is not controlled by the applicant would not be reasonable. As such I have removed the requirement for a road condition survey and repair. However, as noted above, it was agreed at the hearing that these works could be included as part of any S278 agreement.

47. Full details of foul drainage and surface water drainage, as well as conditions to ensure their completion, maintenance and management are required in order to ensure that the development does not increase flood risk and in the case of foul drainage to prevent pollution to nearby waters. I have removed one of the conditions securing the completion of the drainage work to prevent duplication.
48. As set out in detail above, details of external lighting and a landscape and ecological management plan are needed in the interests of biodiversity and character and appearance. Furthermore, dormouse, reptile and great crested newt mitigation strategies are also necessary to secure an acceptable effect on biodiversity. A restriction on building heights at two storeys, as well as details of earthworks are required in the interests of the character and appearance of the area. However, I am not provided with detailed evidence that a condition requiring that power lines are moved underground would be necessary for the development proposed.
49. Details of contaminated land remediation, a verification report demonstrating its completion and a condition to ensure that any unsuspected contamination is appropriately remediated if necessary are required in order to ensure the safety to future users, neighbouring occupiers, controlled waters, property, ecological systems and other off site receptors.
50. The site is located within a landscape with evidence of activity during the Mesolithic/Neolithic, Roman and post medieval periods. Therefore, details of an archaeological written scheme of investigation, the implementation of this scheme and post investigation assessment are needed. This is to enable the recording of any items of historical or archaeological interest.

Conclusion

51. I have found that the proposal conflicts with the development plan as a whole, but that in this case the provisions of the Framework indicate that planning permission should be granted otherwise than in accordance with the development plan.
52. For this reason, I conclude that the appeal should be allowed, subject to conditions.

H Miles

INSPECTOR

Schedule of Conditions

- 1) This decision relates solely to the following plans: SITE LOCATION PLAN, CSA/5782/116 PROPOSED SITE ACCESS ARRANGEMENT, 21-T155-02 Rev E
- 2) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in condition 3; to be approved, whichever is the later.
- 3) No development shall commence until details of the:
 - i) Layout (including site levels)
 - ii) scale
 - iii) appearance
 - iv) landscaping(Hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.
- 4) Prior to the commencement of any development hereby permitted technical details of the highway access scheme [which shall include footway/cycleway, access points, crossing points, right turn lane facility for cyclists, frontage treatment for sightlines to provide visibility splays of 2.4m by 130m in both directions to be maintained thereafter] shall be submitted to and approved in writing by the Local Planning Authority and the development hereby permitted shall not be occupied until the construction of the highway scheme has been completed in accordance with the agreed technical details.
- 5) Prior to the commencement of any development hereby permitted a detailed surface water drainage plan shall be submitted to and approved by the Local Planning Authority. The plan must respond to the following requirements: -
 - i) The principles of the submitted surface water drainage strategy should be carried forward to detailed design. The detailed design of the drainage network should demonstrate how rainfall events up to the 1 in 100 (+45% for climate change) annual probability of occurrence are managed without increasing flood risk offsite. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should consider the connectivity of the different surface water drainage features.
 - ii) The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
 - iii) The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse within the land ownership should be carried out prior to construction of the outfall.

- iv) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- v) The detailed design of the attenuation pond should 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 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 should be provided.

The development shall thereafter be carried out and maintained in full accordance with the approved details.

- 6) Prior to the commencement of any development hereby permitted, a maintenance and management plan for the entire drainage system should be submitted to and approved in writing by the local planning authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - i) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains
 - ii) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.
- 7) Prior to the commencement of any development hereby permitted details of the proposed means of foul sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall not be occupied until the foul sewage disposal has been completed in accordance with the agreed technical details.
- 8) Prior to the commencement of any development hereby permitted a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the local planning authority:
 - i) Additional site investigation scheme, based on preliminary investigations already undertaken (Ref: RSK Geoscience Preliminary Risk Assessment report (Ref: 52349 R01 (02) dated 31 May 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

The scheme shall be implemented as approved.

- 9) Prior to the commencement of any development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be

implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- i) The anticipated number, frequency and types of vehicles used during construction,
 - ii) The method of access and egress and routeing of vehicles during construction,
 - iii) Measures to control noise, vibration, dust, and light emissions during works.
 - iv) Measures to prevent discharge of dirt/mud onto the public highway
 - v) Measures to prevent flood risk both on and off-site during construction works.
 - vi) Site waste management plan
 - vii) Parking arrangements for site operatives and visitors
 - viii) The loading and unloading of plant, materials, and waste,
 - ix) Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.
 - x) Details of any external lighting.
 - xi) The erection and maintenance of security hoarding,
 - xii) 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),
 - xiii) Details of public engagement both prior to and during construction works.
 - xiv) impact avoidance measures with respect to reptiles
 - xv) Implementation of strict protection measures for the root protection areas of retained trees and hedgerows, in accordance with BS5837:2012
 - xvi) pollution prevention and control measures
 - xvii) Sensitive working methods and timing to avoid direct impacts to nesting birds
 - xviii) The provision of hedgehog escape ramps
- 10) Prior to the commencement of any development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.
- 11) Prior to the commencement of any development hereby permitted a written scheme of investigation detailing a programme of archaeological works 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.
- 12) Prior to the commencement of any development hereby permitted a Mitigation Strategy and programme of works for the rescue and translocation

of reptiles has been submitted to and approved in writing by the local planning authority. The content of the Mitigation Strategy shall include:

- i) the purpose and objectives of the proposed works;
- ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iii) extent and location of proposed works shown on appropriate scale maps and plans;
- iv) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) persons responsible for implementing the works;
- vi) enhancements proposed.
- vii) initial aftercare and details of long-term maintenance to ensure ongoing suitable habitat conditions for reptiles
- viii) disposal of any wastes arising from the works.

The development and associated works shall be carried out in accordance with the approved details and programme of works, including the approved aftercare and long-term maintenance.

- 13) Prior to the commencement of any development hereby permitted a Dormouse Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The content of the Mitigation Strategy shall include:

- i) The purpose and objectives of the proposed works;
- ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iii) extent and location of proposed works shown on appropriate scale maps and plans;
- iv) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) persons responsible for implementing the works;
- vi) enhancements proposed.
- vii) initial aftercare and details of long-term maintenance.
- viii) disposal of any wastes arising from the works.

The development and associated works shall be carried out in accordance with the approved details and programme of works, including the approved aftercare and long-term maintenance.

- 14) Prior to the commencement of any development hereby permitted a Great Crested Newt Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The content of the Mitigation Strategy shall include:

- i) The purpose and objectives of the proposed works;
- ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- iii) extent and location of proposed works shown on appropriate scale maps and plans;

- iv) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) persons responsible for implementing the works;
- vi) enhancements proposed.
- vii) initial aftercare and details of long-term maintenance.
- viii) disposal of any wastes arising from the works.

The development and associated works shall be carried out in accordance with the approved details and programme of works, including the approved aftercare and long-term maintenance.

- 15) As part of the first reserved matters application, a landscape and ecological management plan (LEMP) which is to be prepared by a suitably qualified and experienced ecologist, shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall be guided by the principles of CSA Environmental Ecological Impact Assessment (Rev C), and shall include the following:

- i) A graphical Ecological Enhancement Plan, setting out the number, type and position of enhancement features, retained and newly created habitats, The retention (save for access) of the established hedgerow bisecting the site east/west as illustrated in the Design and Access Statement (Page 17, figure 3.5 "No.1"; and detailed planting plans and specifications for proposed planting
- ii) Details of measures to protect and maintain the health of all retained trees and compensatory planting to mitigate the loss of any trees that are to be removed.
- iii) Details of management including aims and objectives, appropriate management options, a work schedule and ecological trends and constraints on site that might influence management.
- iv) Details of the body or organisation responsible for implementation of the plan, and sustained management and delivery of the plan;

The development shall be carried out in accordance with the approved LEMP and the development shall remain in accordance with the requirements of the approved LEMP thereafter.

- 16) Any dwelling hereby permitted shall not be occupied until evidence (including photographs) showing that the drainage system serving that dwelling has been constructed as per the final agreed detailed drainage designs has been submitted to and approved in writing by the Local Planning Authority.
- 17) The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

- 18) The development hereby permitted shall not be occupied until a scheme for all external lighting and floodlighting to the buildings, the road and parking areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 19) The development hereby permitted shall not be occupied until an archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for the development has been submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition xxx.
- 20) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- 21) No buildings or structures within the development shall exceed two storeys in height.
- 22) Construction work and deliveries in association with the development hereby permitted shall take place only between 0800 to 1800 on Mondays to Fridays and between 0830 until 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public holidays.

APPEARANCES

FOR THE APPELLANT:

H Ball
C Hawsley
C Self

FOR THE LOCAL PLANNING AUTHORITY:

O Davies
C Fishenden
K Andrews
J Stone

INTERESTED PARTIES:

J Kay
N Barr
R Penfold
R Hutchison

Richborough