



Appeal Decision

Site visit made on 27 March 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/P1425/W/23/3330879

**Chagley Corner, Land West of Oxbottom Lane, Station Road, Newick
BN8 4PJ (Grid Reference - Easting: 540573, Northing: 120916)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Reside Developments Ltd against the decision of Lewes District Council.
 - The application Ref is LW/21/1000.
 - The development proposed is the redevelopment of the site to provide 21 residential dwellings along with parking, open space and all necessary infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site to provide 21 residential dwellings along with parking, open space and all necessary infrastructure at Chagley Corner, Land West of Oxbottom Lane, Station Road, Newick BN8 4PJ in accordance with the terms of the application, Ref LW/21/1000, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Reside Developments Ltd against Lewes District Council. That application is the subject of a separate decision.

Preliminary Matters

3. I have taken the address from the application form, and I am satisfied that the site can be easily identified from it.
4. A signed legal undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (unilateral undertaking) was submitted with the appeal. I comment on the obligations within it later in my decision.

Main Issue

5. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to local and national policies for the distribution of housing and the character and appearance of the area.

Reasons

Location

6. Policy DM1 (Planning Boundary) of the Lewes Local Plan Part 2 (LLP2) seeks to focus development within planning boundaries defined on the Policies Map.

Outside of these areas the policy prioritises protection of the distinctive character and quality of the countryside. However, the policy does not impose a complete prohibition on development outside of these planning boundaries. New development may be permitted that is consistent with another, specific development plan policy or where the need for a countryside location can be demonstrated.

7. The appeal site is not within a planning boundary. While there are development plan policies with which the scheme may be compliant, in terms of Policy DM1, there is little before me to demonstrate that a countryside location is needed for the development.
8. However, the Council has faced various issues in identifying housing land and meeting its housing targets. Therefore, in March 2020 it produced an Interim Policy Statement for Housing Delivery (IPS). The document sets out criteria that will guide the Council when dealing with housing developments until a new Local Plan is adopted. Although the IPS is guidance it provides a useful adjunct to the Council's spatial strategy. The IPS in effect acknowledges that sites outside existing planning boundaries will need to be developed.
9. The appeal proposal would address many of the criteria set out in the IPS but not all of them. In particular, while the development might not project further than the extent of existing development in any direction, the site is not contiguous with the adopted settlement planning boundary, as defined on the Local Plan Policies Map. Thus, the first criterion of the IPS would not be met and the proposal would not accord with the objectives of the Council's spatial strategy.
10. Consequently, the proposal would conflict with the locational requirements of Policy DM1 of the LLP2 where the policy seeks to control development in the open countryside.

Character and Appearance

11. Policy CP10 (Natural Environment and Landscape Character) of the Lewes Local Plan Part 1 (LLP1) seeks to conserve and enhance the natural environment of the district. Of particular relevance to this appeal is that this would be done by, amongst other things, maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristic of the district including hedgerows, ancient woodlands and shaws; avoiding harm to nature conservation interests, maintaining and where possible enhancing biodiversity resources.
12. The appeal site is located on the western fringes of Newick. The area is characterised by a mix of sporadic development along the A272, mature boundary landscaping and wider views of the open countryside.
13. This is exemplified on Station Road (the A272), near the appeal site and heading immediately west, which has a footpath and a sporadic ribbon of frontage development with strong boundary planting on its southern side. Conversely, the northern side is characterised by grass verge, areas of dense planting and open fields.
14. To the east of the junction of Oxbottom Lane and Station Road (which becomes Western Road at this point) the footpath continues on the southern side of the road and built form can be seen through the boundary planting and over the

close boarded fencing. On the northern side of the road, the verge was heavily overgrown at the time of my site visit with open countryside more appreciably visible beyond.

15. The appeal site itself is an undeveloped area of land bordered by Oxbottom Lane to the east and by the A272 to the north. It is enclosed by mature trees and planting and is bordered to the south and west by the dwellings on Lower Station Road and Upper Station Gardens. These houses are generally well sized and sit within reasonably generous plots. There are two large, detached buildings with large plots and mature boundary planting that sit opposite the appeal site, one on Oxbottom Lane and one at the junction of Station Road and Jackies Lane. The site is therefore physically and visually well contained, and located within an area that is both spacious and verdant in character.
16. Whilst the character of the area around the appeal site is consistent with a rural location, the area is clearly not devoid of built form, some of which is clearly evident from the A272. Indeed, the A272 itself is also a major feature which together with the traffic it carries, limits the extent to which it could be described as a quiet rural area.
17. The area more widely along the A272 (Station Road/Western Road), between the villages of Newick and North Chailey, is characterised by these ribbons of development, interspersed with sizable gaps and open fields. This all helps to avoid the coalescence of Newick and North Chailey, thereby collectively contributing to the wider character of the area.
18. Whilst the appeal site itself retains some rural qualities, its landscape and scenic quality is modest. It has no formal landscape designation and does not appear to offer any particular landscape features that mark it out as being particularly special or valued. Rather, it is the dense and mature boundary planting that contributes most noticeably to the context of the character of the A272 corridor. The site's frontage onto the A272 is not extensive, and the site is not open in terms of offering clear views across the site or through to open countryside beyond. Whilst the extent and density of the natural screening of the site will vary at different times of the year, the site is nonetheless well contained visually and its contribution to the wider landscape of the area whilst of value, is modest.
19. In this sense, the proposal would not be dissimilar to other sites along the A272, near the appeal site, where buildings are set behind mature boundary planting. In travelling along the A272, whilst there is a collective value in the different sites and landscape they offer to the area, there is also a visual distinction between the appeal site and those that more clearly represent a 'gap' or a more obvious area of open countryside.
20. A development of 21 houses will undoubtedly result in a change to the character of the site and the removal of some trees and planting, such as around the new vehicular access, would be evident. During the construction phase and immediately afterwards the development is likely to be most noticeable. However, the layout of the scheme allows for the main structural planting along the Station Road and Oxbottom Lane boundaries to be maintained and reinforced. Areas of landscaping and significant parts of the site are to be left free from development.

21. The Council does not specifically object to the internal layout of the site or the house designs. Indeed, notwithstanding the density of the development, the layout ensures that the bulk of the houses are set away from site frontages. The surrounding built development and the containment of the site would limit any visual or urbanising effects. In addition, the proposed landscaping would positively assist in integrating the development into its environment and wider context. These findings broadly accord with those of the Lewes District Council and South Downs National Park Authority 'Landscape Capacity Study' (LCS), undertaken in 2012.
22. Overall, the landscape value of the site is modest and the appeal site has capacity for change without causing harm to the wider character of the area. Further, the proposals would not harm the setting or separate identities of Newick and of North Chailey. I am satisfied that the position of the site, its character and its clearly defined context sufficiently distinguishes it from other appeal sites in the locality to which I have been referred.
23. Therefore, I conclude that the proposal would not detract from the character and appearance of the area and would accord with the requirements of Policy CP10 of the LLP1.

Legal Undertaking

24. The appeal is accompanied by a legal undertaking that would secure 8 units of affordable housing plus a commuted sum payment for the balance of affordable housing to maintain policy compliance.
25. Further contributions would be made to secure transport enhancements including footpath improvements, a new bus stop and amendments to the Traffic Regulation Orders. There would also be a contribution towards the provision of kerbside recycling facilities. The agreement also secures public access to the retained open space and a long term management and maintenance plan.
26. Having regard to the evidence before me, I am satisfied that the submitted legal undertakings are necessary to make the development acceptable, are directly related to the proposal and fairly and reasonably related in scale and kind to the development. As such, they would accord with the requirements of the National Planning Policy Framework (the Framework) and Community Infrastructure Levy Regulations 2010.

Other Matters

27. The site adjoins a Grade II listed building, Fir Tree Cottage with Holly Lodge (also referred to as Holly Grove) on the opposite side of Oxbottom Lane to the site. The significance of a heritage asset can derive from its age, architectural features and setting. I have undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed buildings or their setting, or any features of architectural or historic interest which they possess. In view of the topography, intervening mature planting and separation distances involved, I find that the effect of the proposal on the setting of these heritage assets would be neutral.
28. The Council is unable to demonstrate a five-year supply of deliverable housing land. The Council's spatial strategy is not achieving the level of housing growth

expected by national policy and the IPS has acknowledged a need to build outside planning boundaries. Although the Council's supply position has improved slightly since May 2021, from 2.9 years to 3.02 years, even with the introduction of the IPS, a policy-led solution to housing needs is not providing the housing required.

29. The site is outside any planning boundaries but is said to be some 800m from the centre of Newick. There are footpath connections along the A272, from the site. It is proposed that footpaths within the site will direct users towards these existing footpaths rather than out onto Oxbottom Lane. There is also provision within the legal agreement for improvement/widening works to the existing footpath along the A272 as far east as Allington Road, including dropped kerbs and tactile paving. The route is unlit, making it less attractive in darker conditions but I note the proximity of the bus stop on the A272 to the site and the improvements to its position and accessibility. As such, the proposal would offer pedestrian and cycle accessibility to key community facilities and services.
30. There would be an increase in traffic movements along the A272 and Oxbottom Lane. The proposal includes a number of measures designed to mitigate any adverse effects on the highway and safety of all users. The Highway Authority is content that these works will have the desired effect and would be adequately secured through the legal agreement. There is no substantive evidence which would lead me to a different conclusion.
31. The development would offer a number of other features such as the provision of open space, play areas, energy efficient buildings etc. However, these are largely a necessary part of the overall infrastructure provision required to ensure the development functions well over its lifetime and meets the necessary policies and regulations.
32. With regard to drainage, the concerns of the Local Lead Flood Authority have been addressed. I am also aware that Southern Water has not raised an objection to the development being connected to the public sewer. Whilst I acknowledge the concerns raised, the substantive evidence before me indicates that the layout and drainage strategy are achievable, and that an acceptable drainage design could be controlled via planning conditions.
33. There will inevitably be some noise and disturbance in the immediate vicinity of the site during the construction phase. These effects can be minimised by appropriate planning conditions. There is nothing to suggest that the occupation of the new houses would be harmful to existing neighbours or the area more generally through noise disturbance.
34. I have noted interested party concerns that some services in the area, such as schools and healthcare, are already under pressure. However, the Council raises no such concerns and I see no reason to disagree.
35. The Council has not raised objections to the scheme based on harm to ecology or wildlife. Furthermore, the scheme would deliver a 10% Biodiversity Net Gain and this could be controlled via condition.
36. Whilst the site lies within 1.5km of the Chailey Common Site of Special Scientific Interests, at this distance the Impact Risk Zone does not require a consultation with Natural England for residential development.

Planning Balance

37. The proposal would be outside the planning boundaries identified in Policy DM1. Nevertheless, I have concluded that in terms of the character and appearance of the area the proposal would not conflict with the requirements of Policy CP10. The distinctive character and quality of the countryside would be protected. While there is conflict with the development plan, given my conclusions on the main issues, I give this conflict limited weight.
38. As the Council cannot demonstrate a five-year housing land supply and because there are no heritage or other policies in the Framework which offer a clear reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.
39. The Framework's policies seek to boost the supply of housing. The scheme would deliver 21 new houses, 38% of which would be affordable. This is an important benefit in an area that has an under provision of housing.
40. The site is located on the fringes of Newick, and future residents would be able to access the village and contribute to the local economy and to the vitality of the community. In the shorter term, the proposed development would also bring associated economic benefits such as construction expenditure and jobs. There would be some social benefits from the additional housing, not least of which would be the social housing provision. When considered collectively, the above represent significant benefits of the proposal.
41. Overall, the limited adverse impacts associated with the conflict with the development plan due to the site's location outside the planning boundaries do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development and this indicates that permission should be granted.

Conditions

42. I have had regard to the conditions set out in the Committee Report and relevant guidance on the imposition of conditions. Both parties have had the opportunity to comment on the conditions.
43. I have obtained the appellant's written agreement where it has been necessary for conditions to be pre-commencement conditions.
44. In addition to the standard time limit, a condition specifying the approved plans is required in the interests of certainty.
45. A pre-commencement condition requiring a road condition survey is necessary in the interest of highway safety to ensure that the standard of the road outside the proposed development site is retained once the development is completed. For similar reasons, and to protect the living conditions of nearby occupants a construction traffic management plan will also be necessary at the same stage.
46. Likewise, the preparation and submission of a Construction Environmental Management Plan (CEMP); an Ecological Design Strategy (EDS) and a Landscape and Ecological Management Plan (LEMP) are necessary to protect ecological interests both during and after the construction process.

47. The site lies within an extensively excavated and well-understood prehistoric and Romano-British landscape. A pre-commencement condition requiring archaeological work and a written scheme of investigation for building recording and programme of historic building recording is necessary and reasonable in order to protect archaeology above and below ground.
48. Further pre-commencement conditions relating to detailed drainage schemes, including maintenance and management plans, are necessary to protect the site and surrounding land from flooding. The submission of details of hard and soft landscaping, including earthworks, prior to the commencement of development are similarly necessary to ensure that the development integrates into the wider landscape as intended.
49. A number of pre-occupation conditions are necessary to ensure measures such as visibility splays, cycle parking, confirmation of the implementation of the approved drainage scheme, external surfaces of the dwellings are provided as intended. Some of these measures are also necessary to ensure the development complies with the recommendations of the Air Quality Assessment (Air Quality Consultants, December 2021).
50. Conditions relating to construction hours, tree protection measures and contamination are required to control the works on site and ensure the development does not cause harm to the living conditions of nearby occupants or the natural environment. Other conditions requiring the implementation of specified works of mitigation are also necessary to protect the ecology and biodiversity of the site.
51. Given that electric vehicle charging points now fall under building regulations, and in the absence of evidence to the contrary, there is not a planning reason to secure such matters through this decision.

Conclusion

52. The proposal would not accord with the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal is allowed.

Stewart Glassar

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 approved plans listed below:

Document	Reference	Revision
Site Location Plan	6975 PL-001	Rev D
Proposed Site Plan	6975 PL-003	Rev P
Proposed Details Site Plan Cycle and Refuse Strategy	6975 PL-004	Rev F
Plots 01-02 Floor Plans	6975 PL-010	Rev B
Plots 01-02 Elevations	6975 PL-011	Rev C
Plots 05-06 Floor Plans	6975 PL-012	Rev B
Plots 05-06 Elevations	6975 PL-013	Rev C
Plots 03-04 Floor Plans	6975 PL-014	Rev B
Plots 03-04 Elevations	6975 PL-015	Rev C
Plots 07-08 Floor Plans	6975 PL-016	Rev B
Plots 07-08 Elevations	6975 PL-017	Rev C
Plots 09-10 Floor Plans	6975 PL-018	Rev B
Plot 09 Elevations	6975 PL-019	Rev B
Plot 10 Elevations	6975 PL-020	Rev B
Plots 11-12 Floor Plans	6975 PL-021	Rev C
Plots 11-12 Elevations	6975 PL-022	Rev B
Plots 13-14 Floor Plans	6975 PL-023	Rev B
Plots 13-14 Elevations	6975 PL-024	Rev B
Plots 15 and 18 Floor Plans	6975 PL-025	Rev C
Plots 15 Elevations	6975 PL-026	Rev B
Plots 18 Elevations	6975 PL-027	Rev B
Plots 16 and 17 Floor Plans	6975 PL-028	Rev C
Plots 16 and 17 Elevations	6975 PL-029	Rev B
Plot 19 Floor Plans	6975 PL-030	Rev C
Plot 19 Elevations	6975 PL-031	Rev B
Plot 20 Floor Plans	6975 PL-032	Rev C
Plot 20 Elevations	6975 PL-033	Rev A
Plot 21 Floor Plans	6975 PL-034	Rev A
Plot 21 Elevations	6975 PL-035	Rev A
Street Scenes Sheet 1	6975 PL-040	Rev B
Street Scenes Sheet 2	6975 PL-041	Rev B
Proposed Garage Elevations and Floor Plans	6975 PL-050	Rev B
Landscape General Arrangement Plan	DD523L01	Rev B
Landscape General Management Plan POS	DD523L02	Rev B
Air Quality Assessment	J10/12572A/10/1/F2	
Archaeology Desk Based Assessment	PN3091/DBA1	

Ecological Impact Assessment inc. Surveys	December 2021	
Ecology Biodiversity Net Gain Letter	December 2021	
Noise Assessment	P21-271-R01v2	
Preliminary Investigation Report	19589/PIR_R26	
Transport Assessment	renewi/2003017 Final	
GCN Method Statement	March 2022	
Existing Tree Schedule	LLD2132-ARB-SCH-001	
Tree Retention and Protection Plan	LLD2132-ARB-DWG-002	Rev 09
Arboricultural Impact Assessment and Method Statement	LLD2132-ARB-REP-001	Rev 01
Update Dormouse Survey	November 2023	

- 3) No development hereby permitted shall commence until a Road Condition Survey Plan (RCSP) has been submitted to and approved in writing by the Local Planning Authority. The RCSP shall survey the roads leading to the site before development commences and shall survey the roads within one month following the completion of construction works. Any degradation of the existing road surfaces directly due to the impact of construction of the development shall be remediated in accordance with remediation details to be included in the RCSP within six months following the completion of the construction works.
- 4) No development, including any ground works or works of demolition, hereby permitted shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include but not be restricted to the following details:
- a) the anticipated number, frequency and types of vehicles used during construction;
 - b) a travel plan for people involved in the construction of the development to travel to the site by as sustainable means as possible to ensure minimum disruption to the local road network;
 - c) the method of access and egress and routeing of vehicles during construction;
 - d) the parking of vehicles by site operatives and visitors;
 - e) the loading and unloading of plant, materials, and waste;
 - f) the storage of plant and materials used in construction of the development;
 - g) the erection and maintenance of security hoardings;
 - h) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
 - i) public engagement both prior to and during construction works.
- Construction works shall only take place in accordance with the approved CTMP.
- 5) No development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard; and shall be directly informed by the Ecological Impact Assessment dated December 2021 and Letter dated 22 December 2021 (both Ecology Partnership). The CEMP shall include the following details:

- a) a risk assessment of potentially damaging construction activities;
- b) identification of biodiversity protection zones;
- c) mitigation method statements;
- d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- e) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
- f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
- g) responsible persons and lines of communication; and
- h) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

Construction of the development shall then proceed in accordance with the approved CEMP.

- 6) Prior to the commencement of the development hereby permitted an ecological design strategy (EDS) addressing enhancement of the site for biodiversity shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works.
 - b) review of site potential and constraints.
 - c) detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) extent and location /area of proposed works on appropriate scale maps and plans.
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) persons responsible for implementing the works.
 - h) details of initial aftercare and long-term maintenance.
 - i) details for monitoring and remedial measures.
 - j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 7) Prior to the commencement of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to,

and approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) Specifications, number and location of proposed ecological features, where appropriate;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures;
- i) details of legal/funding mechanisms.

The development shall be implemented in accordance with the measures in the LEMP and retained thereafter.

- 8) Prior to the commencement of the development hereby permitted details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
- a) earthworks showing existing and proposed finished levels or contours;
 - b) means of enclosure and retaining structures;
 - c) boundary treatments (including provision of mammalgates to allow for foraging animals to cross the site);
 - d) all hard surfacing materials;
 - e) details of soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and
 - f) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 9) Prior to the commencement of the development hereby permitted full details of surface water drainage, shall be submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any dwelling shall be take place until the approved works have been completed. The surface water drainage system shall be retained as such thereafter.
- 10) Prior to the commencement of the development hereby permitted a management and maintenance plan for the lifetime of the development covering all aspects of the surface water drainage system, including piped drains, shall be submitted to and approved by the Local Planning Authority. The details shall include the arrangements for adoption by any public

authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 11) No development hereby permitted shall commence until a programme of archaeological work 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:
- a) the programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) provision to be made for archive deposition of the analysis and records of the site investigation;
 - f) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No dwelling shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 12) No part of the development shall be occupied until visibility splays of 2.4 metres by 43.5 metres to the north and 2.4 metres by 49 metres to the south have been provided at the site vehicular access onto Oxbottom Lane in accordance with the approved drawings.
- 13) No dwelling shall not be occupied until it is accessible by cycle and the cycle parking serving that dwelling has been provided in accordance with the approved plans and the cycle parking shall thereafter be retained for that use and shall not be used other purpose.
- 14) Prior to occupation of any dwelling hereby permitted evidence (including photographs) shall be submitted to the local planning authority showing that the drainage system has been constructed in accordance with the approved detailed drainage designs.
- 15) Prior to occupation of any dwelling hereby permitted works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 16) Prior to the occupation of any dwelling hereby permitted, full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme shall be submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.
- 17) Prior to the occupation of any dwelling hereby permitted, details of its external surfaces shall be submitted to and approved by the Local Planning

Authority. The dwelling shall be constructed in accordance with the approved details.

- 18) Prior to the occupation of each dwelling on Plots 1-6, its bedrooms directly overlooking Station Road, should be provided with ventilation via acoustically attenuated trickle ventilators rated at not less than 38dB Dn,e,w.
- 19) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 20) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 21) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Arboricultural Impact Assessment and Method Statement (Lizard, November 2022) having regard to the retention of trees set out in the Existing Tree Schedule (Lizard, November 2022).
- 22) The development hereby permitted shall be carried out in accordance with the recommendations set out in the GCN Method Statement (Ecology Partnership, February 2022).
- 23) The development hereby permitted shall be carried out in accordance with the recommendations set out in the 2023 Update Dormouse Survey (Ecology Partnership, November 2023).
- 24) Prior to the installation of any external lighting, a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details of any external lighting to be used in the construction phase of development and for the completed development. The agreed details of the specification of the installed lighting shall be maintained as agreed in perpetuity.
- 25) Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank or Public Holidays.

END