



Appeal Decision

Site Visit made on 19 October 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/D3830/W/21/3269094

Land at North Road, Haywards Heath

Grid Ref Easting: 534001, Grid Ref Northing: 123723

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S French, Creedway Limited against the decision of Mid Sussex District Council.
 - The application Ref DM/20/1470, dated 14 April 2020, was refused by notice dated 24 November 2020.
 - The development proposed is "Demolition of existing buildings and cessation of existing commercial uses (B1/B8 use) and redevelopment of the site to provide 6 new dwellings (C3 use), comprising 5 x terraced units & 1 x detached unit, together with associated car parking and landscaping. Existing accesses from North Road to be retained".
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Decision

1. The appeal is allowed and planning permission is granted for "Demolition of existing buildings and cessation of existing commercial uses (B1/B8 use) and redevelopment of the site to provide 6 new dwellings (C3 use), comprising 5 x terraced units & 1 x detached unit, together with associated car parking and landscaping. Existing accesses from North Road to be retained" at Land at North Road, Haywards Heath, Grid Ref Easting: 534001, Grid Ref Northing: 123723 in accordance with the terms of the application, Ref DM/20/1470, dated 14 April 2020, subject to the attached Schedule of Conditions.

Preliminary Matters

2. I have amended the description of the development proposed which originally referred to existing accesses from Eastern Road and North Road, to omit reference to Eastern Road as both accesses adjoin North Road. There is no need for the two accesses to be individually identified within the description of the development proposed and this minor correction would not cause any injustice to any parties.
3. During the course of the appeal an interested party referred to a copy of the title plan¹ relating to 18 North Road and suggested part of the appeal site may be owned by another party who had not been served with notice of the application, and Certificate A of the application form had therefore been incorrectly completed. This was brought to the appellant's attention, who clarified that the whole of the appeal site does fall within their ownership and Certificate A had therefore been correctly completed. Notwithstanding this, to avoid any confusion, an amended location plan which clearly shows the part of the appeal site referred to by the interested party within the red line boundary

¹ HM Land Registry title plan relating to title number WSX6983, dated 18 October 2021

of the appeal site was provided² and notice was served on the adjacent land owner. Further to that, the appellant submitted a completed Certificate B dated 14 December 2021.

4. The amended location plan includes additional land which was not previously contained within the original location plan. However, the proposed plans showed this land to form part of the appeal site as it is shown to be the location for proposed refuse stores. I am satisfied with the appellant's account of land ownership and the belated and seemingly unnecessary service of notice on the owner of 18 North Road and completion of Certificate B do not affect my assessment of the appeal scheme. I am also satisfied that my consideration of the amended location plan as part of the appeal would not cause any injustice to any parties.
5. Where the plans show neighbouring properties, they do not include the footprint of 20A North Road and proposed section plans are annotated to show land outside of the appeal site has not been surveyed. I saw the differences in land levels between the appeal site and neighbouring properties, and the positioning of those properties during my site visit.
6. I have been provided with a copy of a signed Unilateral Undertaking (UU) dated 15 December 2021, which commits the appellant and any successors in title to the financial contributions identified by the Council as necessary to fund infrastructure improvements essential to make the proposal acceptable. The Council therefore confirmed that this addresses their third reason for refusal.

Main Issues

7. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to outlook, light and noise.

Reasons

Character and Appearance

8. The appeal site comprises two adjacent plots with a history of light-industrial/business uses, located to the rear of houses within what are predominantly suburban residential surroundings. Together they form an irregularly shaped appeal site set over different levels that rise across the north-western side which is occupied by small single storey buildings of some age. The south-eastern side of the appeal site is set at a lower level than surrounding properties to the west, south and east, which slope down to the north.
9. The proposal would involve levelling parts of the site to accommodate a terrace of 5 dwellings orientated in a staggered line facing in a north-easterly direction and a detached flat roofed house set into the highest part of the appeal site, at its western end. The proposed flat roofed building would be of a contemporary design, cut into the existing raised part of the appeal site, with its entrance at lower-ground floor level and a garden area at upper-ground floor level. The proposed terrace would be of a more traditional form, with pitched roofs and hipped gables.

² Plan number: 19006 2.10 C

10. The immediate surroundings of the appeal site mainly comprise a mix of detached, semi-detached and terraced houses with gardens of varying sizes, and there are examples of more closely arranged houses within cul-de-sac backland developments in the wider surroundings. The urban grain of the surrounding area is therefore varied, with areas of low-density housing interspersed with more dense, recent housing layouts.
11. In this context, the proposal would not appear unduly cramped or awkward. The layout and spacing of the proposed built form would be different to most properties along North Road, Eastern Road and Western Road, but not to such a degree that the appeal site would appear overdeveloped. There would be a separation distance of just over 11m between the side elevation of Plot A and the rear elevation of 22 North Road. The ground floor levels of these properties would be similar, and the separation distance would not be out of keeping with the suburban surroundings. Land levels fall away to the north, but the separation distances between the proposed dwellings and other neighbouring buildings would remain appropriate for this location, where rear gardens abut the appeal site on all sides.
12. A large proportion of the appeal site would be given over to parking and turning areas with small areas of landscaping. A much larger proportion of the appeal site is currently given over to areas of hardstanding, and the proposal would result in a significant change in the openness of the appeal site. However, its existing hard-surfaced areas and light-industrial/commercial appearance are atypical for the area. In comparison, the proposed layout and amount of building coverage across the appeal site would comfortably blend with the surrounding area and would be a high-quality design response to the constrained site, making efficient use of previously developed land within an appropriate location.
13. The proposed development would not therefore comprise overdevelopment of the appeal site out of keeping with the spacing and grain of existing development within its vicinity and would not harm the character or appearance of the area in accordance with Policy DP26 of the Mid Sussex District Plan³ (MSDP) and Policies E9, E13 and H8 of the Haywards Heath Neighbourhood Plan⁴ (HHNP). These policies state, amongst other things, development should be of high quality design and layout which protects local character with regard to height, scale, spacing, layout, orientation and design of buildings to make the best use of the site to accommodate development. This should be achieved while fitting unobtrusively with existing buildings, character and spacing of the street scene, and providing good quality private outdoor space.
14. Although not referred to within their decision notice, the Council have identified relevant parts of their Design Guide Supplementary Planning Document⁵ (SPD). This does not form part of the development plan but provides helpful guidance to be read alongside Policy DP26. Principles DG1 and DG2 of the SPD advise developers to prepare a character study and site appraisal, which would assist them in delivering a clear and connected structure of streets and spaces, as broadly described by Principle DG12 of the SPD.

³ Mid Sussex District Plan 2014 – 2031 (2018)

⁴ Haywards Heath Town Council Neighbourhood Plan: Our Bright Future (2016)

⁵ Mid Sussex Design Guide Supplementary Planning Document (2020)

15. The appellant's submissions satisfy the aims of Principles DG1 and DG2, but the Council have suggested the internalised layout of the proposal, accessed by a cul-de-sac, would fail to respect Principle DG12. This would ignore the specific circumstances of the appeal site and should not be read as a strict rule seeking to prohibit all cul-de-sac layouts. In this instance, the proposed layout would allow the redevelopment of a small irregular backland site in a manner which respects the character of the surrounding area. I do not therefore consider the general advice set out in Principle DG12 to be directly relevant to the appeal site on account of its size, shape, and location.

Living Conditions

16. Part of the south-eastern side of the appeal site would be raised in height to create a level ground floor across the proposed terrace. This part of the appeal site is presently lower than levels at neighbouring properties and I noted the elevated gardens and ground floors of the bungalows at 22 North Road and 95 Eastern Road in relation to this part of the appeal site. Plans have been submitted showing existing datum points and proposed ground floor levels, confirming that the finished ground floor level of the proposed terrace would be similar to that of those properties.
17. I note the Council's reference to the proposed section BB plan⁶, which they claim shows a 6m height differential between the proposed site levels and the rear garden levels of 22 North Road and 95 Eastern Road. This appears to be a miscalculation; the proposed section BB plan does not transect those gardens which are at higher levels, and the plan states land outside of the appeal site has not been surveyed. The eaves and ridge heights of the bungalows at 22 North Road and 95 Eastern Road have been provided on a proposed site plan⁷, showing the finished ground floor level of the proposed terrace shown on the proposed section BB plan would be similar to that of those neighbouring bungalows, and not significantly higher.
18. Residents of 18 – 22 North Road and 95 Eastern Road currently enjoy open views across the appeal site. That open aspect would be lost and replaced with views of the proposal. The south-eastern side elevation of the proposed terrace would face the rear elevation of 22 North Road, with a separation distance of just over 11m. This would be a blank side elevation, with a hipped roof, and the terrace would step slightly back and forth, increasing its side profile.
19. The outlook of residents at 22 North Road would therefore be most affected by the built form of the proposed terrace. Their outlook would change on account of their garden backing onto a blank side elevation, but this would be in a suburban residential setting and the separation distance between the bungalow and the proposed two storey side elevation would be appropriate in this context. The proposed hipped gable would sufficiently reduce the mass and bulk of the proposed terrace, meaning the loss of outlook experienced by neighbouring residents to the southeast would not cause material harm to their living conditions.
20. The orientation of the proposed terrace in relation to neighbouring properties at 18 – 22 North Road is such that low levels of overshadowing of the rear gardens serving those properties would be likely. No detailed assessments in

⁶ Plan 19006 2.01 B

⁷ Plan 19006 2.08 D

this regard have been undertaken by any parties. I note the small sizes of those gardens, but I am unconvinced by the arguments presented by the Council and interested parties that the likely levels of overshadowing would be significant. This is on account of the size and positioning of the proposed terrace, which would likely result in only short periods of overshadowing of parts of those gardens towards the end of day. The level of overshadowing would therefore be low and those properties would retain access to acceptable levels of sunlight and daylight, meaning there would be no unacceptable harm caused to the living conditions of any neighbouring residents in this regard.

21. The proposed terrace would be accompanied by a parking area at the northern end of the appeal site, served by the existing eastern access drive and skirted by proposed planting along the northern boundary. The existing access drive runs between 16 and 18 North Road and the proposed parking area would abut the rear boundaries of 12 – 20A North Road. The noise of vehicles accessing the 11 spaces serving those 5 dwellings would be heard within the rear gardens of 12 – 20A North Road, as would any associated noise, such as doors opening and closing and noises from vehicles being valeted or playing their radios. The proposed planting would do little to mitigate this. However, those would all be low-level noises which would be expected in a residential environment.
22. The Council have referred to the appeal site's lawful uses as falling within the former B1 and/or B8 use classes⁸. At present the appeal site is used at a low intensity and the B1 use class previously referred to business uses which could be carried out within a residential area without any detriment to local amenity by way of noise, but it would remain possible for the current low-intensity use to change. I note claims from interested parties that such uses may have been abandoned, but based on the Council's submissions which accept business activities remain ongoing at the appeal site, I am unconvinced that any noise resulting from the parking of vehicles associated with the proposed dwellings would be any more harmful to the living conditions of neighbouring residents than noise which could be reasonably expected as part of the existing use of the site, which includes the use of two existing access drives and parking areas.
23. An interested party has claimed that the proposed development would result in unacceptable levels of overlooking, which would harm the living conditions of residents of neighbouring properties. The distances and angles of proposed windows in relation to neighbouring properties are such that any overlooking into neighbouring gardens or rooms would be limited and not out of the ordinary for a residential area. There would not be any unacceptable levels of overlooking.
24. The proposed development would not therefore cause any unacceptable harm to the living conditions of the occupants of neighbouring properties, with particular regard to outlook, light and noise, in accordance with Policy DP26 of the MSDP and Policies E9 and H8 of the HHNP. These policies state, amongst other things, development should not cause significant harm to the amenities of existing nearby residents, taking account of the impact on outlook, noise, daylight and sunlight.
25. The Council's decision notice refers to Policy E13 of the HHNP within the second reason for refusal, but this policy relates to the provision of good quality

⁸ As defined in The Town and Country Planning (Use Classes) Order 1987 (as amended)

private outdoor space appropriate to the development proposed, which has been addressed in the first main issue.

Other Matters

26. Interested parties have raised concerns with regard to the pedestrian and highway safety implications of the proposal, referring to objections made by West Sussex County Council (WSCC) against previous proposals, as the highway authority. I am satisfied that the detailed consultation responses made by the highway authority⁹ adequately explain why they do not consider the proposal would result in any unacceptable harm to pedestrian or highway safety, which are partly based on the existing use of the site. As I have mentioned above, the Council have identified the lawful use of the appeal site for former B1/B8 uses, and this use appeared to be ongoing during my site visit, albeit at a low intensity. It is therefore appropriate to take the potential effects of the existing use of the appeal site and its accesses into account. The comments of interested parties in these regards do not lead me to doubt the lawfulness of the appeal site's existing use or the findings of the highway authority.
27. Concerns raised by interested parties relating to the maintenance of hedges and fences and access to bicycle storage facilities would be overcome by the proposed footpath layout along the side of Plot A, leading to the rear of each proposed garden. This would provide a convoluted, but appropriate access route to/from secure covered bicycle storage facilities as an alternative to taking bicycles through the dwellings, which would do little to discourage bicycle use by future residents.
28. The Council's Officer Report explains that the appeal site is located outside a 7km zone of influence around the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Council has confirmed that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development and I see no reason to disagree with this conclusion. As such, no mitigation in this regard is required.

Unilateral Undertaking

29. The appellant's UU refers to financial contributions which would be necessary to help fund additional facilities to local primary and secondary schools, additional stock at Haywards Heath Library, a pedestrian improvement scheme on South Road, children's play space at Priory Way and 'kickabout' provision for older children at Victoria Park, formal sport facilities at Hardy Memorial Field, community buildings at Barn Cottage Recreation Ground, and a proposed country park and/or proposed allotments and cemetery at Hurstwood Lane. The UU does not make any commitments in respect of a Traffic Regulation Order (TRO), which is a matter I will address below, in the next section of this decision. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 57 of the Framework¹⁰ state that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the

⁹ Consultation responses from WSCC – Highways Authority to the Council dated 17 June 2020 and 20 July 2020

¹⁰ National Planning Policy Framework (2021)

- development; and fairly and reasonably related in scale and kind to the development.
30. The UU provides for £27,832 towards additional facilities at Warden Park Primary School and £29,954 towards additional facilities at Oathall Community College. These financial contributions have been calculated using expected occupancy rates of the proposal, which would create extra demand on current school facilities from the increase in population, as set out in the detailed submissions of WSCC. I am therefore satisfied that these obligations would be fairly and reasonably related to the development and meet the statutory tests.
31. A contribution of £2,497 towards the costs of providing the additional library infrastructure necessary to serve the expected increase in demand for services resulting from an increase in population is specified within the UU. The level of contribution is based on expected occupancy rates, with 30sqm additional library floorspace required per 1,000 people. The financial contribution would be used to fund additional stock at Haywards Heath Library to overcome the pressures from the increase in population. I am therefore satisfied that this obligation would fairly and reasonably relate to the development and meet the statutory tests.
32. The Total Access Demand (TAD) contribution referred to within the UU amounts to £18,846, which comprises an infrastructure contribution based on the number of future occupants provided with a parking space, and a sustainable transport contribution based on each occupant not provided with a parking space. The TAD contribution would be used to help fund pedestrian improvements on South Road, in close proximity to the appeal site. The purposes of this would be to promote and influence walking as a more convenient sustainable mode of travel in accordance with the Framework. I am therefore satisfied that this obligation would be fairly and reasonably related to the development and meet the statutory tests.
33. Financial contributions of £7,125 towards improvements at Priory Way, £5,985 towards an increase in kickabout provision for older children at Victoria Park, £8,160 towards football facilities at Hardy Memorial Field and £4,680 towards improvements to the community and sports pavilion at Barn Cottage Recreation Ground are specified within the UU. The proposal would not include any on-site children's play space and includes family sized houses with modestly sized private gardens. Future occupants are therefore likely to need access to children's play space and formal sport and community facilities locally. I am therefore satisfied that there would be a need to improve local children's play facilities and formal sport and community facilities in the local area and these contributions would meet the statutory tests.
34. The UU requires the payment of £5,310 towards a proposed country park and/or proposed allotments and cemetery at Hurstwood Lane. Clarification has been provided to explain there is a shortfall in allotments and the cemetery in Western Road is almost full. There is an aging population and the increase in population resulting from the proposal would increase demands for both facilities. I have been referred to parts of the HHNP and the Council's Development Infrastructure and Contributions Supplementary Planning Document (2018) which states the need for these facilities, refers to allocated land off Hurstwood Lane for those facilities, and explain how this financial contribution was calculated based on the expected occupancy of the proposal.

However, no information has been provided in respect of a proposed country park. Based on the information provided, I cannot confirm the contribution in respect of a proposed country park meets the statutory tests.

35. With the exception of the financial contributions towards a proposed country park at Hurstwood Lane, I am satisfied that the financial contributions set out in the UU would be essential to make the proposal acceptable in planning terms, are directly relevant to the proposal, and are fairly and reasonably related in scale and kind to the proposal. The proposal would therefore accord with Policy DP20 of the MSDP, which requires developers to contribute towards the infrastructure and mitigation measures made necessary by their development proposals through the use of planning obligations, amongst other things.

Conditions

36. Following the submission of the appellant's UU and final comments, WSCC raised concern that the Council had failed to suggest any conditions relating to a TRO necessary to make the highway impacts of the proposal acceptable, as set out in their consultation responses identified at footnote 9, and that the UU did not make any provisions in this regard either. WSCC's comments explain why the TRO is necessary to make the proposal acceptable in highway safety terms, as waiting restrictions will need to be imposed and a disabled parking bay relocated to enable refuse vehicle access to the appeal site by both access drives. The appellant has agreed these measures are reasonable and necessary and has suggested they could be required by condition. I have therefore attached a condition requiring the completion of those works prior to the first occupation of any dwelling, which would meet the tests set out at Paragraph 56 of the Framework.
37. The Council have provided a list of suggested conditions, most of which I consider to be reasonable and necessary to ensure the proposal is acceptable, but I have made changes to some of those conditions to ensure they accord with the advice contained within the Framework. These include conditions requiring the commencement of development within the relevant timeframe and the carrying out of development in accordance with the approved plans in the interests of clarity.
38. Conditions requiring the approval of details relating to drainage, a construction method statement, and ecological measures¹¹ prior to the commencement of development are reasonable and necessary. These would ensure suitable provisions are made in those regards, including the agreement and adoption of an appropriate reptile mitigation strategy and the protection of living conditions of neighbouring residents in accordance with the development plan. The Council have suggested a condition controlling the hours of work for the implementation of the development, but this matter could be covered by the construction method statement.
39. The Council have suggested a condition requiring the approval of a scheme to deal with the risks of contamination at the site prior to the occupation of the proposed development; however, it would be necessary for such a scheme to be approved prior to the commencement of development, considering the

¹¹ As suggested to be agreed with the Council by the appellant's Reptile Survey Report by PJC Consultancy Ltd, dated 28 September 2020

historic use of the appeal site and the age of existing buildings. A verification report relating to land contamination measures would need to be approved prior to the first occupation of any dwelling to ensure those measures have been carried out. It would also be reasonable for a condition to be attached prohibiting the continuation of development if any unexpected contamination is found to be present during construction works, until further details of how that issue will be addressed are approved.

40. Samples of external materials proposed to be used to finish the roofs and walls of the proposed dwellings will also need to be approved to ensure the development is finished appropriate to its surroundings, but it would be reasonable for them to be approved prior to the commencement of development above slab level. It would be the same for the approval of full details of a hard and soft landscaping scheme and proposed boundary treatments.
41. Details of electric vehicle charging spaces would need to be approved and provided prior to the first occupation of any dwelling, and the covered and secure bicycle parking spaces would also need to be provided prior to the first occupation of any dwelling. This would be to encourage sustainable forms of transport in accordance with the development plan.
42. Plan reference 19006 2.08 D shows existing site levels and plan references 19006 2.01 B and 19006 2.09 E show proposed finished ground floor levels for each dwelling. It would therefore be unreasonable and unnecessary to attach a condition requiring details of existing site levels or proposed floor levels. It would be reasonable to require the approval of details of the finished levels of proposed hard and soft landscaped areas to ensure they have a satisfactory relationship with neighbouring properties.
43. The proposed detached dwelling would have extensive flat roofs, which would be in close proximity to, and at higher levels than, neighbouring gardens. Due to the ease with which these areas could potentially be accessed by future residents and the potential for unacceptable levels of overlooking into neighbouring gardens from those areas, I consider it reasonable and necessary to attach a condition prohibiting the use of those areas as amenity space.
44. An interested party has provided a list of suggested conditions, but I do not consider those which are not covered above meet the tests set out in the Framework, which advises planning conditions should be kept to a minimum. In particular, the interested party has suggested that any changes to the roofs of the proposed dwellings, including upward extensions, should be prohibited, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Council has not suggested any conditions in these regards, and I am not aware of any clear justification to prohibit such works in the future. Paragraph 54 of the Framework discourages the use of conditions to restrict permitted development rights and it would be unreasonable to do so in this instance.

Conclusion

45. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19006 2.00 G, 19006 2.01 B, 19006 2.02 D, 19006 2.03 C, 19006 2.04 c, 19006 2.05 C, 19006 2.06 E, 19006 2.07 E, 19006 2.08 D, 19006 2.09 E, 19006 2.10 C, 19006 2.11.
- 3) No development shall take place until arrangements have been made with West Sussex County Council to secure the placing of waiting restrictions and the removal and relocation of a disabled parking bay on North Road to allow a refuse vehicle to enter and exit the site by both accesses without any obstruction. No dwelling shall be first occupied until the placing of waiting restrictions and the removal and relocation of a disabled parking bay agreed with West Sussex County Council have been completed.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant, materials and waste;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control the emission of noise or vibration during construction;
 - viii) pollution incident control and site contact details in case of complaints;
 - ix) the anticipated number, frequency and types of vehicles used during construction;
 - x) the method of access and routing of vehicles during construction;
 - xi) details of public engagement both prior to and during construction works;
 - xii) artificial lighting; and
 - xiii) demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

- 6) No development shall take place until a reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The approved reptile mitigation strategy shall be implemented prior to the commencement of development and carried out in accordance with the approved details.
- 7) No development shall take place until an assessment of the risks posed by any contamination have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, pets, service lines and pipes;
 - adjoining land;
 - ground waters and surface waters; and
 - ecological systems.
- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before any dwelling is first occupied.
- 9) 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.
- 10) No development shall take place above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These shall include proposed finished levels of

all hard and soft landscaped areas. The landscaping works shall be carried out in accordance with the approved details before any dwelling is first occupied or in accordance with an agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 11) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the walls and roofs of the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 12) No dwelling shall be first occupied until electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the local planning authority.
- 13) No dwelling shall be first occupied until covered and secure bicycle storage facilities have been provided in accordance with the details on approved plan 19006 2.00 G and those facilities shall thereafter be kept available for the storage of bicycles.
- 14) The roof areas of the detached dwelling shown on approved plan 19006 2.07 E shall not be used as a balcony, roof garden or similar amenity area.