



Appeal Decision

Hearing held on 1 February 2023

Site visit made on 2 February 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/P1425/W/22/3308331

Averys Nursery, Uckfield Road, Ringmer, Lewes BN8 5RU

- 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 Mr Ross Barbour of Cross Stone Regeneration Ltd against the decision of Lewes District Council.
 - The application Ref LW/20/0011, dated 6 January 2020, was refused by notice dated 7 April 2022.
 - The development proposed is an outline planning application (access only) for demolition of existing commercial/agricultural buildings and construction of new office/light industrial workshops (B1) and 53 dwellings, including new site entrance and A26 right turn lane.
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Decision

1. The appeal is allowed and planning permission is granted for an outline planning application (access only) for demolition of existing commercial/agricultural buildings and construction of new office/light industrial workshops (B1) and 53 dwellings, including new site entrance and A26 right turn lane at Averys Nursery, Uckfield Road, Ringmer, Lewes, BN8 5RU in accordance with the terms of the application, Ref LW/20/0011, dated 6 January 2020, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with access for consideration at this stage and matters of appearance, landscaping, layout and scale reserved. The submission includes layout plans which I have considered as illustrative and which show one way the appellant has in mind to develop the site.
3. The proposal has been accompanied by a planning agreement under Section 106 of the Town and Country Planning Act 1990. This agreement includes obligations for highway works, affordable housing and the phasing of the development. I will consider this matter later.

Main Issues

4. The main issues are:
 - whether or not the development plan would support the principle of the development in this location, having regard to the ability to access services and facilities by a range of transport modes,
 - whether or not the development plan would support the proposed mix of employment land and housing (including affordable housing) on the site, and

- when examining the overall planning balance, if the proposal would not accord with the development plan when considered as a whole, whether or not material considerations indicate a decision should be made otherwise.

Reasons

Location

5. The Averys Nursery site extends to about 2.9ha. It has a frontage onto the A26 and is a fairly level and rectangular shaped site that extends back from the road. There is a mix of fairly functional, single storey buildings. Towards the frontage is a timber and metal sheeted clad building that has been used for commercial use including retail sales, and next to the access is a boarded up bungalow. Set back behind the business frontage building are parking areas and four poultry sheds. The poultry sheds are quite large and project back almost to the rear boundary of the site. Two have permission for commercial use and two remain empty and are still in planning terms agricultural. The overall commercial floorspace extends to about 2,948 sqm and the two unused poultry sheds are about 2,600 sqm.
6. In the surroundings to the south of the appeal site is Merlins, a property with an extensive curtilage that contains a mix of commercial and residential uses. To the broadly north and east of the appeal site are open fields with a gently undulating topography. The established boundary trees and hedging around the site largely screens the site from these directions. On the opposite side of the A26, and slightly to the south west, are a group of buildings that include the petrol filling station, with convenience store and office above, fuel depot, business building, and a small group of dwellings. Further to the south, on the same side of the road as the appeal site, is The Orchards, a new development of housing.
7. This area is known as Clayhill and there is at least one road sign highlighting Clayhill along this stretch of the A26. In terms of the built form of Clayhill, there is a prominent group of buildings and structures around the petrol station, however, on the opposite side of the road Merlins is well screened and has only a limited visual presence. The appeal site has a visible frontage building but is again somewhat separated from the group around the petrol station. The Orchards housing site is further down the road. There is a noticeable change in character at Clayhill with more buildings concentrated along the A26 than other nearby parts of the road. However, the arrangement and extent of the buildings do not provide a clear form or shape that provides a definable boundary that helps to provide the sense of a settlement. In these circumstances, this area does not fall to be considered as a settlement for planning purposes and should be considered part of the wider countryside.
8. The nearest defined settlement is Ringmer to the broadly south of the appeal site. Ringmer can be accessed from the site along the A26 and then via Ham Lane. This is a fairly short drive by car and Ringmer has a range of services and facilities, such as primary and secondary schools, shops, employment sites and community facilities. Lewes is also reasonably close by and is accessed along the A26. The town has a good range of services and facilities and is the closest larger settlement. To the north, also via the A26, lies the town of Uckfield, which also has a fairly wide range of services and facilities.

9. The appeal land is the main part of a site allocated for employment purposes in the Ringmer Neighbourhood Plan 2010-2030 (the Ringmer NP). The scheme, however, proposes a mix of business use and residential development, with 53 dwellings. The Council, in respect of the housing element, consider that the scheme would be isolated from basic facilities, with no footpath linkage and reliance on the private vehicle and this would result in an unsustainable development.
10. The Council accept that the site for the housing would not be isolated in the sense of paragraph 80 of the National Planning Policy Framework (the Framework) and with the mix of buildings and uses in the general vicinity I agree.
11. In terms of the ability to access services and facilities by a range of transport modes, the residents of the new housing would be able to walk to the convenience store at the recently redeveloped petrol filling station. The shop provides a good range of day to day convenience items. To access the shop it would entail crossing the A26, which is a busy road and where traffic can travel at the national speed limit. However, the scheme would provide footways either side of the A26 to facilitate pedestrians crossing the road and the straight road provides clear visibility of approaching traffic. While it would be necessary to cross the road with care, I consider that accessing the shop would be a reasonable and convenient option for most residents of the site (and those working in the proposed commercial buildings).
12. In terms of bus services, the scheme would incorporate a new footway from the entrance of the site, along the present grass verge, to the bus stop on the broadly eastern side of the A26. It would then be possible to cross the road to the bus stop on the other side of the A26, if required. This part of the A26 is on a bus route that links Tunbridge Wells, Uckfield, Lewes and Brighton. The service runs fairly frequently from reasonably early in the morning and into the evening during the week days with some services at the weekends and public holidays. The proposed Real Time Information Signs at the bus stops, which would form part of the obligations within the Planning Agreement, would assist with providing certainty with when buses would arrive and be an encouragement to use the bus as a means of travel to and from the site for those occupying the houses and working from the commercial units. Overall, the bus service would allow residents of the proposed housing to have a reasonably good ability to access some nearby towns for a wide range of services and facilities, including employment, shopping and connections to other public transport such as at the Lewes Railway Station
13. The bus routes that pass along the A26, however, do not directly pass through Ringmer. To access Ringmer it would be necessary to travel into Lewes and then change for the bus service that goes back through Ringmer. This would be possible but not especially convenient compared to driving to Ringmer which would be a reasonably short journey by car. In particular, for those needing to access education, the nearest secondary and primary schools would be in Ringmer and, as explained this would be possible by bus, but not especially convenient. Other schools are more accessible by bus such as South Malling Primary School, which I was told is out of catchment and at capacity, and Priory Secondary School in Lewes, which could be an option for secondary school children living in the proposed housing.

14. Taken together, and whilst accepting the issue with the buses not passing directly through Ringmer, generally, the ability to access services and facilities by bus should be considered reasonably good for residents and workers at the site.
15. When considering walking, other than to the local shop, bus stops and for those who may be employed in the proposed units on the site, there would be little options available for occupants of the proposed housing. I am not satisfied that walking along the highway verge of the A26 to The Cock Public House would be readily undertaken as the highway verge narrows when approaching the area of the public house. The nearest public right of way that links to the wider area is to the north and to access this route would entail walking along the highway verge of the A26. Given the speed, proximity of traffic and the need to walk along the verge, I do not consider that this would be a likely and regular route for those wishing to undertake a pleasant recreational walk further from the site.
16. There would be options for residents to walk around the housing site itself for short walks and the landscaped buffer on the illustrative plan around the north, east and south sides of the site could provide a pleasant route, subject to details at the reserved matters stage. A children's play area is proposed within the illustrative layout and this would allow, in reality probably for the younger children, the opportunity for outside play. These factors would, to some extent, allow some outdoor recreation within the site. However, the site for the housing would not be located such as to provide a reasonable or readily usable route that would allow access by foot to Ringmer, the countryside or wider services and facilities.
17. Looking at the options for cycling, the A26 in this area is shown as a recreational route for cyclists on the map "Cycle Lewes" which promotes local cycle routes. However, the A26 is subject to the national 60mph speed limit in this area and is a busy road. I am not convinced that cycling along the A26 would be an attractive proposition other than for the most dedicated of cyclists. While it would be reasonable to cycle from Ham Lane to and from Ringmer, the section of the main road from the appeal site to Ham Lane is along the A26 and this section would be generally off putting for cyclists.
18. Drawing these matters together, the site would have good access to the local convenience store and ready access to bus stops that would provide reasonably good bus services to some adjoining towns on a regular basis. However, walking and cycling opportunities would be limited. Even with the bus service, it is likely, that the great majority of trips to and from the site in association with the housing would be by the private vehicle, especially because of the nature of the area and its poor connections to Ringmer which is the closest settlement.
19. Nevertheless, the East Sussex County Highway Authority commented on the proposal at the application stage and concluded that the site itself has been deemed as a suitably accessible site, with available transport options aside from the private car to reach employment, education, shopping and leisure. The Council disagree and I consider that while the local shop and bus services are convenient, the A26 hampers the ability to walk and cycle, and this means that the site is fairly sub-optimal in terms of its accessibility to services and facilities other than by the private vehicle.

20. Policy CP13 of the Lewes District Local Plan – Part 1 – Joint Core Strategy 2010-2030 (May 2016) (the Core Strategy) sets out the policy approach for sustainable travel. The policy indicates that the local planning authority will promote and support development that encourages travel by walking, cycling *and* public transport (my emphasis added) and thereby reduces the proportion of journeys made by car. In order to help achieve a rebalancing of transport in favour of sustainable modes, the policy includes, in summary, that new development is located in sustainable locations with good access to schools, shops, jobs and other key services by walking, cycling and public transport. This is subject to the caveat that unless there is an overriding need for the development to be in a less accessible location.
21. I will look at the other circumstances as to why the development is argued to be acceptable on this site in due course, but in terms of Policy CP13 of the Core Strategy, I conclude that the housing development would not have good access by walking, cycling and public transport for the reasons I have explained. Consequently, the location of the scheme would not comply with this policy requirement.
22. The reason for refusal also references Policy CP7 of the Core Strategy and Policy DM25 of the Lewes District Local Plan – Part 2 – Site Allocations and Development Management Policies (February 2020) (the Local Plan Part 2). However, Policy CP7 is titled infrastructure and mainly concerns the provision and retention of community facilities. It is not directly relevant to the matters considered as part of this main issue and I do not consider the policy would be breached by the scheme.
23. When examining Policy DM25 of the Local Plan Part 2 which concerns design and this policy indicates that development which contributes towards local character and distinctiveness through high quality design will be permitted subject to a range of criteria. These design requirements are applicable to the detailed reserved matters stage, as appearance and layout are reserved matters. For instance, the reference in criterion 1 to siting and layout refers, in my view, to the siting and layout of buildings within the site and not the location of the development within an area. Criterion 9 seeks that development should demonstrate how the 'Building for Life 12' criteria have been taken into account and would be delivered by the development. Again many of these criteria refer to the design and layout within a site, but the section on integrating development into the neighbourhood has relevance.
24. The Building for Life 12 criteria are a checklist and given the availability of the bus stop and related bus routes, the public transport aims appear to be generally met. However, as noted above there are walking and cycling limitations with the site, the housing would not be located within a short walk of everyday facilities and services, and there would not be access to facilities through the provision of safe, convenient and direct paths or cycle routes. In these respects the scheme would not meet the associated elements of the criteria.
25. Nevertheless, the site is rural and the checklist is intended to apply to all housing developments and is based on a simple 'traffic light' system with the intention to achieve as many greens as possible. The layout does not form part of the present details and, if the site is accepted as a matter of principle, with the layout and details of the design to be agreed later, I see no reason why the

scheme should not score well against the 12 criteria as a whole. In these circumstances, I do not consider that the scheme can be said to provide a clear conflict with Policy DM25 of the Local Plan Part 2.

Proposed mix of employment land and housing

26. The Ringmer NP sets four key principles, one of which is that Ringmer should regain sustainability. The Plan seeks to redirect the community towards sustainability by increasing employment opportunities within Ringmer and by ensuring that new housing is on a scale and of a type to meet village needs.
27. As part of this emphasis the plan is employment led and seeks to help provide local opportunities for work and thereby to reduce out commuting. Policy 5.1 of the Ringmer NP identifies and allocates 23 employment sites that the plan seeks to retain or develop for employment use. The appeal site is the main part of the allocated employment site EMP20 – Lower Clayhill Business Area. In addition to the appeal site, the allocated land includes the petrol filling station area with the adjoining business building, and the business part of Merlins.
28. I heard at the hearing how successful the policy approach has been with employment schemes coming through and development units now constructed. The site at Bridge Farm has been especially highlighted as an example of what can be achieved. I visited the Bridge Farm site as part of my site visit and saw the business units which had been built at that location.
29. The District wide approach to encouraging economic development and regeneration is set out in Policy CP4 of the Core Strategy. The policy, amongst other things, seeks to safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental reasons for not doing so. The policy identifies four circumstances where this may be the case and this includes, where the site is otherwise unlikely to perform an employment role in the future, and where the loss of some of the space would facilitate further/improved employment floorspace provision. The policy then explains that in such circumstances, there will be a strong preference for a mixed use alternative development in order to facilitate the retention or delivery of an appropriate element of employment use on the site.
30. The Ringmer NP has a similarly pragmatic approach and Policy 5.1 includes, in summary, that conversion of employment sites to other uses will be resisted unless there is clear evidence that the use of the sites for employment purposes has become unviable or it is necessary to achieve environmental gains.
31. The appeal scheme proposes not less than 2,000sqm of business space and 53 dwellings. The provision of the residential element would, when considering the illustrative plan, extend across a large majority of the site. The appellant argues that the housing is necessary to facilitate a viable development and to cross subsidise the provision of the employment floorspace, and consequently would be policy compliant.
32. The evidence indicates that the development of the site would have a range of abnormal costs associated with it. In particular, the Contamination Risk Assessment Report November 2016 identified, following the digging of trial pits and a trench and laboratory analysis of the resulting samples, that the site has

moderate levels of contamination mainly from hydrocarbons. Furthermore, two of the poultry buildings (each 115m in length) have their roof lined with asbestos and the other poultry buildings now converted to business use have had the asbestos removed and buried across some parts of the site. Any development of the site, for either commercial or residential use, would need to safely remove the buildings and decontaminate the site in accordance with an agreed approach.

33. To accord with the requirements of the Highway Authority, a right hand turning lane is required as well as the provision of footways. Again, these works are necessary for either a commercial or residential scheme. The ground conditions also require more expensive foundations than usual and, because of the lack of a usable local foul drainage connection, the scheme would need to provide a package treatment works to the appropriate standard to allow discharge to nearby ditches. Again these would be requirements regardless of the type of scheme and would add abnormal costs to the development.
34. The appellant has from the outset worked with the Council and set out viability evidence from a suitably qualified and local chartered surveyor. Different scenarios have been examined and the viability of schemes presented in an open book approach. The Council has taken independent advice as to the viability of the potential development options for the site. This has resulted in agreement between the Council's and appellant's surveyors. A scheme for just commercial use would be substantially unviable, and working through the balance of commercial floorspace and residential units, the present scheme has been shown to provide a mix of commercial and residential use that would be viable, and could provide a small surplus for affordable housing.
35. The viability evidence was again updated in a document dated September 2022. Without the enabling development provided by the residential component, the business element would not be viable on its own and could not be delivered. At the hearing, the Council confirmed again that it did not wish to challenge the conclusions of this viability evidence.
36. From what I have been presented and heard, because of the abnormal costs of the development and together with the requirement that the business units would need to meet an appropriate standard for lending and investment, the findings of the viability reports are fair and reasonable. While the evidence indicates that there is demand for business space in the local and wider area, because the scheme would only be viable based on the mix proposed, more commercial space would not be able to be achieved as part of a scheme.
37. I saw at my site visit that the four buildings at the rear of the site are in a fairly poor state of repair. One of the agricultural buildings is partially collapsed at one end and with the two business units created from the poultry units, only the front sections are being used. The front business building is in reasonable repair but overall the business buildings are not being used to anywhere near the floorspace and capacity that is possible in principle. The provision of the modern purpose built business floorspace, in the form that is indicated as part of this outline proposal, would materially increase the productive floorspace and also lead to an improvement in the quality of the commercial floorspace compared with what is presently available.
38. When looking at the policy tests, while the site would not be used for employment space across the whole of the land as allocated in the Ringmer NP

there would still be a meaningful provision of business land and use. The viability evidence shows that the balance as proposed is what is achievable. In these circumstances, the policy allowance in both Policy 5.1 of the Ringmer NP and Policy CP4 of the Core Strategy that allows other competing uses if there are demonstrable economic viability or environmental amenity reasons for doing so would be met. I consider that this is because, in terms of criterion 2(iv) of Policy CP4, the site would otherwise be unlikely to perform an employment role in the future (to the extent envisaged) and also, in terms of criterion 2(v), that the loss of some commercial space would facilitate further/improved employment floorspace provision. To conclude, with the viability and environmental circumstances, Policy CP4 sets a strong preference for a mixed use development. This would accord with the scheme as proposed and the proposal would, in the light of the viability evidence, provide an appropriate element of employment use on the site.

39. I am also satisfied that the scheme would meet with the other relevant criteria in Policy CP4 of the Core Strategy as, given the reasonably poor condition and useable extent of the existing employment space, the scheme would support the appropriate intensification, upgrading and redevelopment of existing employment sites for employment use and would support the delivery of new office space to meet modern requirements.
40. At the hearing, it was put to me by the Council that under section 2 of Policy CP4 of the Core Strategy there is a presumption in favour of retaining the unimplemented employment site allocations, and that, in summary, if they cannot come forward such sites should be de-allocated or considered for alternative uses through subsequent development plan documents. However, this approach is referenced in relation to the allocations from the Local Plan (2003) and I was not presented with evidence that this site was identified in that Plan and, therefore, I have no convincing evidence that this particular aspect of Policy CP4 is directly relevant to the issues in this appeal.
41. For completeness, as there is clear evidence that the use of the site for employment purposes in the way envisaged in the Ringmer NP would be unviable, I am satisfied that the allowance in Policy 5.1 of the Ringmer NP to allow conversion to other uses has been met.
42. Finally on this employment land issue, local residents, the Parish Council, CPRE Sussex and others have highlighted the delivery of the modern business units at the Bridge Farm site in the Parish. It is argued that, as these have been constructed and have been occupied, there is no reason why the same type of scheme could not be delivered on the Averys Nursery site.
43. The appellant's chartered surveyor has previously set out a detailed explanation (email dated 10 March 2021) as to why the circumstances are different between the two sites. This includes because there are abnormal costs at the Averys Nursery site, that it appears there has been no land cost involved with the Bridge Farm site, the short term leases at Bridge Farm lead to an ability for existing tenants to create demand, there appears to be no service charges for the upkeep of the Bridge Farm estate incorporated into the rents and that the funding model would need to be different at Averys Nursery. The evidence does show that there are material differences between the two sites and, as the viability evidence from the appellant has been accepted by the Council, I am satisfied that the Bridge Farm information does not lead me to a

different conclusion on the viability of the Averys Nursery scheme, and thereby the extent of commercial development that is achievable.

44. Although not a reason for refusal, concerns have been raised regarding the level of affordable housing provision. Five affordable dwellings are proposed as this is what the discussions between the Council's and appellant's viability consultants agree could be delivered as part of the scheme. The Planning Agreement specifies that they would be delivered on site and the form of the affordable housing has also been agreed with the Council.
45. Policy CP1 of the Core Strategy sets a district wide target of 40% affordable housing on schemes of 10 or more dwellings. However, the policy also explains that the affordable housing requirement may exceptionally be determined on a site by site basis where justified by market and/or site conditions. The policy explains that the target levels for affordable housing should be met unless the local planning authority is satisfied by robust financial viability evidence that the development would not be financially viable at the relevant target level. The viability evidence is robust and has been accepted by the Council. I have found no reason to disagree and I consider that, in these circumstances, the level of affordable housing provision would comply with the requirements of Policy CP1 of the Core Strategy.
46. In the light of the above information, I conclude that the development plan would support the proposed mix of employment land and housing (including affordable housing) on the site. In particular, the scheme accords with Policies CP1 and CP4 of the Core Strategy and Policy 5.1 of the Ringmer NP which set out the approach to the consideration of development on employment sites.
47. The reason for refusal also includes reference to Policy DM10 of the Local Plan Part 2. The Council has subsequently confirmed that the policy, which refers to employment development in the countryside and provides guidance on those small-scale development schemes, is not applicable to the proposal. I agree.

Planning Agreement

48. The planning agreement has been agreed and signed by the appellant, the Council and East Sussex County Council, as Highway Authority. It provides for a number of different obligations including five units of affordable housing, in the form of shared ownership dwellings/First Homes. I note the submissions that especially more rented affordable units are required. However, the evidence also indicates there is a need for all types of affordable units and with this scheme the types of affordable units have been agreed by the Council. I am satisfied, given my analysis above, that the quantum and type of affordable housing would be appropriate and would be necessary to meet with the requirements of Policy CP1 of the Core Strategy.
49. The agreement also has a phasing obligation to ensure that the employment floor space would be provided and would be practically completed in step with a similar percentage of the housing. This would be necessary to ensure that the employment space is built and a situation would not arise that only the housing is constructed and occupied. The delivery of the employment space, which the agreement specifies should be no less than 2,000sqm, would be necessary to meet with the requirements of Policy CP4 of the Core Strategy and Policy 5.1 of the Ringmer NP.

50. The recycling contribution would be necessary to meet with the requirements of Policy DM26 of the Local Plan Part 2 and the Lewes Kerbside Recycling Supplementary Planning Document 2004.
51. There are a number of obligations which concern travel and highways works. The Travel Plan requirements (commercial and residential), together with the Travel Plan Audit Fee, and the transport contribution for the Real Time Information Signs at the two bus stops, would be necessary to improve and encourage sustainable transport options for residents and workers on the appeal site. This would be necessary for the scheme to meet with the requirements of Policy CP13 of the Core Strategy.
52. The obligations to enter into a s278 Agreement to provide the highway works in accordance with the specified timetable, including the right hand turning lane and the footways, would be necessary in the interests of highway safety.
53. Consequently, I am satisfied that each planning obligation, alone and in combination, would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The planning obligations would meet with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I attach them full weight.

Other Matters

54. There have been detailed and wide ranging objections to the appeal scheme including from Ringmer Parish Council, CPRE Sussex, local residents and Maria Caulfield MP. I have taken all the representations into account and I understand the objections that argue that the development would be car dependent, is away from the village, and would contradict the Ringmer NP and its emphasis on delivering employment schemes to make the community more self-contained. I examine these matters, and that the concerns that the Parish area has reached its housing numbers, elsewhere in this decision.
55. Some objections have been received because of the impact of the development on the character and appearance of the area. However, this did not form a reason for refusal. With a suitably designed and landscaped scheme at the reserved matters stage, the development could be accommodated within this part of the Clayhill area without adverse visual or character impacts.
56. In terms of issues of foul drainage, the development would not be able to connect to a mains system because one is not locally available. The evidence indicates that the proposed package treatment plant to serve the development could be designed to be fit for purpose and this could be the subject of detailed submissions at the reserved matters stage in any approval.
57. I have taken into account the concerns with the relationship of the development and the proximity to the A26, including for the safety of pedestrians. However, the scheme is not subject to a highway safety reason for refusal and, as I have considered above, while it would be necessary to cross the road with care, accessing the shop and the other bus stop would be a reasonable and convenient option for residents of the site and those working in the proposed commercial buildings.
58. Similarly there are concerns with the highway capacity and situation at Earwig Corner, which is at the confluence of the A26 and the road from Ringmer at the

outskirts of Lewes. I understand that there have been recent improvements to the junction and that traffic signals have been installed. The Highway Authority considered this matter at the planning application stage, raised no objection to the proposal and any issues at Earwig Corner do not form a reason for refusal. I have not been presented with detailed technical information to come to a different view from that conclusion.

59. There are concerns raised that there is insufficient social infrastructure, such as access to doctors, dentists and school places. It is argued that introducing more housing to the area would put more strain on these services. At the hearing, the Council explained that the housing development would be subject to a Community Infrastructure Levy Charging Scheme and contributions would be required towards environmental improvement, open space, public transport, education and community health. In these circumstances, the scheme would make its contribution to these identified community requirements.

Planning Balance

60. The proposed housing would be located on a site outside the settlement boundary of Ringmer. The housing element would conflict with Policy CP13 of the Core Strategy concerning sustainable travel for the reasons explained. This policy is consistent with the Framework and I attach it full weight.
61. Attention was also drawn at the hearing to Policy 6.3 of the Ringmer NP which seeks that new residential development within or extending the village planning boundaries should respect the village scale. The supporting text gives a figure of 10-30 units as being appropriate. Although the proposed housing would be well beyond the boundary it would not comply with this identified scale for new housing developments and, therefore, would conflict with the approach of the policy.
62. Policy DM1 of the Local Plan Part 2 explains that outside the settlement boundaries, amongst other exceptions, new development will only be permitted where it is consistent with a specific development plan policy. In this case, the scheme, because of the viability circumstances, would comply with Policies CP4 of the Core Strategy and Policy 5.1 of the Ringmer NP concerning employment development. As a consequence, as the scheme would be consistent with these specific development plan policies, that can allow a mixed use proposal on an employment site, there would be no conflict with Policy DM1 of the Core Strategy.
63. Notwithstanding, the identified compliance in terms of employment policies, because Policy CP13 of the Core Strategy is a key element which assists with the distribution of development across the plan area, and having regard to the scale of the development with 53 dwellings and the approach of Policy 6.3 of the Ringmer NP, I consider that the scheme would conflict with the development plan when considered as a whole.
64. It is accepted by the main parties that the Council is unable to demonstrate a five year supply of deliverable housing land. The Statement of Common Ground identifies that the supply is 2.73 years. This represents a substantial shortfall. As a consequence, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. In this case, this indicates that planning permission should be granted unless any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

65. In terms of the benefits of the scheme, the proposal would deliver a meaningful contribution to employment floorspace on a site allocated for such use in the Ringmer NP. I appreciate that the allocation seeks to deliver the entire site for employment uses. However, the viability evidence demonstrates that for the employment space to be delivered it needs to be cross subsidised by the housing and, in this case, by a fairly substantial number of dwellings across the site. In my judgement, there is no reasonable prospect of the site being developed entirely or to a greater extent for employment use than that proposed in the appeal scheme.
66. The present business units, especially the two sizeable commercial buildings to the rear of the site, are in fairly poor repair and the scheme providing modern business floorspace would deliver an enhanced and improved business use of the site. With no less than 2,000sqm of business space as proposed, the scheme could deliver a worthwhile level of local employment, helping to meet the general aim to avoid out-commuting and promote the rural economy.
67. Taking these employment aspects of the development together, significant weight should be placed on the economic growth and productivity benefits of the scheme. This would accord with the intention to promote economic development in the Framework and, for the reasons I have explained, with the development plan as well.
68. The proposal would also deliver 53 dwellings (net 52 as there is already the dilapidated bungalow on the site). This would accord with the Government's aim to significantly boost the supply of homes. The provision of such a level of housing would make a considerable contribution to the provision of housing where there is a substantial undersupply of such land. I afford the benefits of the housing substantial weight.
69. The provision of five units of affordable housing would be a valuable contribution in its own right. There is an acknowledged shortfall of such housing in the area. However, given the number of affordable units and the percentage contribution compared with the overall housing numbers, I attribute the benefits of the affordable housing moderate weight in favour of approval.
70. The site would provide a modern development on a brownfield site and therefore deliver the related employment and housing benefits without the need to develop greenfield land. Additionally, the scheme would enable the existing contamination on the site, both in the ground and in some of the buildings, to be addressed. This would not occur without a viable scheme going ahead. Consequently, the proposal would make effective use of a contaminated and a previously developed site to provide employment and homes to meet identified needs for both types of land use. The use of the previously developed land and the ability to address the contamination across the site are a significant benefit that adds weight in favour of the scheme.
71. The scheme would also provide temporary economic benefits that would flow from the construction works on site and in the related supply chain, including employment. There would also be economic and social benefits to the area from the subsequent occupation of the housing and from workers and

- businesses on the site. Given the size of the development, I attribute these benefits significant weight.
72. The Ecological Report¹ explains the reasons, following surveys, that the site is generally of low ecological value. The scheme could be designed with a layout and landscaping at the reserved matters stage, including with the proposed green buffers around the site and other planting, to provide a net gain to biodiversity. I attach this benefit moderate weight given the size of the overall site and likely scale of net gain.
73. In terms of the other obligations that I have not already referred to in this section of the decision, the recycling contribution is to offset the additional collections that are required to be made and therefore not a benefit in the overall analysis. The phasing with regard to the commercial development is necessary to ensure that the employment scheme is built but the phasing is not a benefit in itself. The Travel Plan, footways and right hand turning lane essentially mitigate the effects of the development and again should be considered neutral in the planning balance. The provision of the Real Time Information Signs at the bus stops would be of assistance and would benefit not just those workers and occupants of the development but also other residents and workers in the adjoining area who may wish to use the bus services. This is a benefit of the scheme but, because of the additionality to others is fairly minor, I attach this benefit limited weight.
74. Taken together, the tangible and meaningful benefits that the scheme would deliver, including the business floorspace and housing development, mean that collectively the benefits of the scheme merit substantial weight in favour of approval.
75. On the other hand the site is not located in a position which meets all the policy tests for sustainable transport. It would be located poorly in terms of the ability of residents of 53 dwellings to walk or cycle to services and facilities, or for employment and leisure. Although only a reasonably short drive to Ringmer and not that far from Lewes, the occupants of the housing would be predominantly car dependent and separated from other communities. This would be at a time when the Council has declared a Climate Change Emergency and there is a need to minimise carbon emissions. However, the site would have reasonably good access to regular bus services, and there is the local shop nearby to reduce the need to travel for some convenience items on a day to day basis. At times, these would provide real alternatives for the need to travel by car for some residents.
76. I am also conscious that the Framework explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. The scheme incorporates a Travel Plan aimed at seeking workers and residents to maximise non-car travel, there is the footway to the bus stops and Real Time Information Signs of approaching buses all to seek to encourage alternatives to the car. There would also be quite a few private car movements for workers if the site was to be developed for business use across the whole of the site as allocated, albeit that the pattern of movements would be different to residential ones.

¹ Ecological Impact Assessment – Averys Nursery, Uckfield Road, Ringmer – Lizard Landscape Design and Ecology – 28 June 2019.

77. Taking all these matters into account, I consider that the while the site is clearly sub-optimal in terms of the complete range of alternatives to the use of the private vehicle it is not without some alternatives and, therefore, I attribute the concerns with the accessibility of the site by non-car modes of travel, and the related conflict with Policy CP13 of the Core Strategy, moderate to significant weight against the scheme.
78. It is raised that the scheme would exceed the village scale 10-30 units which is required by Policy 6.3 of the Ringmer NP and that the housing figure in the Ringmer NP has been met. However, the housing figure is not a maximum. Crucially, given the lack of housing land supply and the need to address this matter, part of the supply is likely to come from sites, and some larger sites, beyond settlement boundaries and on land not originally identified for housing in the development plan. The appeal site has the potential to be one such site and would, because of the way the economy policies are worded, allow for a mixed use, including housing. I therefore attach moderate weight against the scheme in respect to the housing approach in the Ringmer NP.
79. Concluding on the main concerns and harm in this case, the scheme would result in a conflict with the development plan policies, in particular, Policy CP13 of the Core Strategy. This is due to the location and scale of the housing development which is proposed in a location which does not have policy compliant walking and cycling access. I do not under estimate these matters and the number of traffic movements that the scheme would generate, although for the reasons explained above, this could to some extent be mitigated by the bus service and availability of the convenience store. I consider that cumulatively the policy conflicts and related harm should be attributed moderate to significant weight against the scheme.
80. Other housing sites have been brought to my attention where the Council has granted planning permission for housing away from settlement boundaries, including The Orchards and at Hamsey Lakes, South Chailey. I visited both sites. The Orchards seems to have some broad similarities with the present scheme because of its close locational relationship and that occupants could use the same bus stops and local convenience store. I heard at the hearing that part of the justification for the housing at The Orchards was the development was an alternative to an extant permission for a restaurant and butchery development.
81. The Hamsey Lakes scheme is a broadly similar sized residential scheme to the present proposal and is located away from any settlement. It appears that it was justified as an alternative to the brickworks and waste transfer station at the site.
82. These sites and the others which have been referred to me all appear to have their own site specific circumstances that led to the planning decision in each case. Although these schemes have been criticised for their location, nevertheless, in broad concept terms, The Orchards and the Hamsey Lakes developments do indicate that there are situations within the District where the Council has, at those times, judged that the site circumstances have justified housing development outside settlements. In that respect, while I have considered this appeal scheme on its particular merits, these two examples have some minor background relevance.

83. Drawing all these matters together, the benefits of the scheme merit substantial weight. The policy conflict and harms collectively weigh moderate to significantly against the proposal in the circumstances that I have identified. It is such that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a consequence, the proposal would constitute sustainable development in terms of paragraph 11 of the Framework, and this weighs heavily in favour of the proposal.
84. For the reasons given above, material planning considerations, including that the scheme would constitute sustainable development in terms of the Framework, clearly indicate that a decision should be made otherwise than in accordance with the development plan.
85. My conclusions on the planning balance therefore falls the same as that concluded in the Planning Committee Report rather than with the decision of the Council. This balance of considerations is very much site specific, based on the viability evidence and the circumstances of this case, including with the level of contaminated land, the ability to access a shop and regular bus services, and at a time when the Council is only able to demonstrate a 2.73 year supply of housing land. While this balance of considerations will come as a disappointment to those who promote and seek employment use across the whole of the site, there is not a reasonable prospect of this happening for the reasons I have explained. The combination of factors mean that I am satisfied the case has been demonstrated for an approval.

Conditions

86. I have had regard to the conditions suggested by the Council, those agreed as part of the Statement of Common Ground, the discussions at the hearing and the advice in the Planning Practice Guidance. I have amended the wording where necessary, combined some suggested conditions and deleted others where there has been duplication, all in the interests of clarity and/or to meet the tests in the Guidance.
87. In addition to the standard outline time conditions, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. Condition 4 is necessary to ensure that the development is constructed in accordance with agreed levels in the interests of the character and appearance of the area. A phasing scheme (condition 5) is necessary to ensure that the various parts of the development are undertaken in a coherent and practical way that minimises the effect on the area during demolition and construction. This is necessary in addition to the phasing requirements in the planning agreement which require the employment development to be constructed alongside the delivery of the housing.
88. Conditions 6, 7, 8 and 9 are necessary to ensure that the details of the scheme for the access, related drainage, temporary arrangements for access and turning for construction traffic, and internal roads, meet the appropriate highway standards and are suitably designed and safe for their intended purpose. In the light of the known contamination of the site, conditions 10, 11 and 30 are necessary to address this matter.

89. Conditions 12, 13 and 14 are necessary to ensure that suitable surface and foul water drainage is provided to the development and thereafter appropriately managed in the interests of preventing pollution and flooding.
90. A Construction Management Plan condition (15) is necessary to ensure that the construction works take place in an acceptable way in the interests of highway safety and the amenities of the area. A condition (31) limiting the hours for construction is necessary to protect the amenities of residents in the surrounding area. Conditions 16, 17, 18 and 19 are necessary having regard to the recommendations in the Ecological Report, the legal obligations in respect of protected species and to ensure that biodiversity is maintained and enhanced.
91. Given the recommendations in the Archaeological Report² a condition (20) is necessary to ensure that there is an agreed programme of archaeological works. The trees on the site to be retained are an important component that contributes to the character and appearance of the area and therefore a condition (21) is necessary to require details to be agreed and implemented to ensure tree protection during the construction period.
92. Conditions 22 and 29 are necessary to ensure that parking areas are provided, and to an appropriate size, and thereafter retained in the interests of highway safety and the convenience of residents and users of the commercial buildings. Conditions concerning electric vehicle charging points (23) and cycle parking (24) are necessary to encourage sustainable transport options for residents and workers on the site. Conditions 25 and 26 are necessary to ensure the highway works within the site are constructed to an appropriate standard and with an agreed timing in the interests of highway safety and the amenity of occupiers and users of the site.
93. A play area (condition 27) is necessary to be integrated into the design and layout of the site at the reserved matters stage, in the interests of the health and wellbeing of children occupying the housing and to meet with Policies DM15 and DM16 of the Local Plan Part 2.
94. I consider that there are exceptional circumstances to restrict the use of the employment element of the development to Class E(g). Other uses within the E Class may not accord with the intentions of Policy 5.1 of the Ringmer NP for employment land. Furthermore, E Class uses, such as restaurant, retail, leisure or medical uses, could likely have different levels of traffic movements that have not been considered as part of the traffic assessment and may not be as sustainable in traffic movements as the proposed scheme because they would have visiting members of the public. Also, the business use would likely be at the front of the site with the access to the housing passing through the business area. The business buildings are likely to be reasonably close to residential parts of the site. Class E(g) uses specifically limits business uses to those which can be carried out in a residential area without detriment to its amenity. Therefore, for all these reasons, the use restriction in condition 28 is necessary.
95. Finally, a condition (32) is necessary for the submission and approval of external lighting in the interests of the character and appearance of the area and the amenities of residents.

² Desk Based Assessment Report on Avery's Nursery – Chris Butler Archaeological Services – September 2018.

96. I am conscious of the requirement to minimise the pre-commencement conditions and, in some cases, it is appropriate to allow the demolition and removal of the buildings prior to details being submitted for approval. However, some matters on the site, such as the drainage is not straightforward and with works to the access and some roads needing to take place at an initial stage and to ensure that drainage ditches and the access are all suitable, drainage needs to be designed and agreed from the outset across the site as part of a comprehensive consideration of the layout. In these circumstances, conditions 7, 8, 12, 13 and 14 are required to be pre-commencement conditions.
97. There are large buildings on site that will need to be demolished and it is likely that the debris will need to be removed from the site. With the size of the buildings to be removed, the phasing condition (5) would need to cover this work and therefore phasing needs to be agreed at the outset as a pre-commencement condition. Similarly the requisite decontamination for the first phase needs to be agreed prior to that phase commencing and therefore conditions 10 and 11 are worded to require this. Condition 9 requires agreement on the temporary arrangements for access and turning for construction traffic. This requirement needs to be a pre-commencement condition so that these arrangements are in place from the start.
98. Condition 15 concerns the Construction Management Plan. The agreed details would control works on site from the start to the end of the construction process and therefore needs to be agreed and in place before any works start. Conditions 16, 17, 18 and 19 concern the requirements for biodiversity and for certain species to be protected and these matters need to be in place before any works, including demolition, take place. The same applies to the protection of trees in terms of condition 21.
99. The demolition of the buildings, including removal of foundations, could affect any archaeology and therefore the requirements for an archaeological programme needs to be in place before any works, including demolition commence. These matters therefore also need to be a pre-commencement requirement.

Conclusion

100. For the reasons given above, I conclude that the appeal should succeed and planning permission be granted.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mrs Harriet Townsend	Counsel for the appellant
Miss Josepha Horne	Pennington Solicitors
Mr Paul Burgess	Lewis & Co Planning
Mr Christopher Oakley	Oakley Property
Mr Stuart Magowan	The Civil Engineering Practice
Mr James Barbour	Cross Stone Regeneration Limited

FOR THE LOCAL PLANNING AUTHORITY

Mr Marc Dorfman	Lewes District Council
Mrs Helen Monaghan	Lewes District Council
Mr Chris Lawson	Lawson Commercial

INTERESTED PARTIES

Dr John Kay	CPRE Sussex
Mrs Eleanor Robins	Local Resident
Miss Linda Grange	Local Resident
Cllr Emily O'Brien	Ward Councillor, Lewes District Council
Mr Peter Young	Planning Consultant
Mr Tristan Hosken	Bridge Farm

DOCUMENTS SUBMITTED AT AND AFTER THE HEARING

1. Letter dated 23 November 2020 from Lawson Commercial and Locate East Sussex Final Report May 2020 - Land & Premises Supply Study – Market Assessment for East Sussex.
2. Policy DM1 from the Local Plan Part 2 and Inset Map 4 – Ringer & Broyle Side from the Core Strategy
3. Letter dated 26 January 2023 from Dowsett Mayhew Planning Partnership setting out proposals for an auction house on land nearby.
4. Completed S106 planning agreement dated 15 February 2023

Schedule of Planning Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No LOC 01 Rev P1, Proposed Access Arrangement Project No. 23055 Drg No 200 Rev F, Vehicle Tracking Project No 23055 Drg No 210 and Vehicle Tracking Project No 23055 Drg No 211.
- 4) Other than demolition works, no other development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall be commenced until a phasing plan is submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed phasing plan.
- 6) The vehicular access from the A26 shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.
- 7) Prior to the commencement of development details of the proposed surface water drainage, including timetable for implementation, to prevent the discharge of surface water from the site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and any street lighting to be provided, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) Development shall not commence until such time as temporary arrangements for access and turning for construction traffic, including the timings for their provision, have been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy

to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses.
- potential contaminants associated with those uses.
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.

4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 11) Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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.
- 12) The development hereby permitted shall not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.
- 13) Prior to the commencement of development, a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed drainage drawings, surface water run-off rates and calculations of flows, a survey of ditches and any required improvements to ditches, outfall flows and related details, and timetable for the completion of the surface water drainage scheme. The surface water drainage scheme shall be implemented in accordance with the approved details, including the approved timetable.
- 14) A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account

design standards of those responsible for maintenance. The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall thereafter remain in place for the lifetime of the development.

- 15) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been 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:
- the provision 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),
 - the anticipated number, frequency and types of vehicles used during construction,
 - means of reusing any existing materials present on site for construction works,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - details of public engagement both prior to and during construction works.
 - address noise impacts arising out of the construction.
 - demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.
 - include details of the use of protective fences, exclusion barriers and warning signs.
 - provide 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.
 - details of any external lighting.
 - Waste minimisation statement.
- 16) Development shall not commence until further details of a scheme for the protection of Great Crested Newts, including a detailed evidence-based assessment showing how an offence under the Conservation of Habitats

and Species Regulations 2017 will not occur, the provision of compensatory/mitigation habitat and measures to minimise the area temporarily disturbed, has been submitted to and approved in writing by the Local Planning Authority. Work shall be carried out strictly in accordance with the agreed method statements, exclusion plan and mitigation scheme, as approved by the Local Planning Authority, in accordance with the agreed timescale.

- 17) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities.
 - b) identification of "biodiversity protection zones".
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) the location and timing of sensitive works to avoid harm to biodiversity features.
 - e) the times during construction when specialist ecologists need to be present on site to oversee works.
 - f) responsible persons and lines of communication.
 - g) the role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
 - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 18) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works.
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
 - c) extent and location of proposed works shown on appropriate scale maps and plans.
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - e) persons responsible for implementing the works.
 - f) initial aftercare and long-term maintenance (where relevant).
 - g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 19) No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site for biodiversity, has been 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.

- 20) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment shall be undertaken in accordance with the programme set out in the written scheme of investigation approved under this condition.

- 21) Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection Zones.
- 22) The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

- 23) Prior to the first occupation of each building on the site, a minimum of one electric vehicle charging point shall be provided for each property.
- 24) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
- 25) No part of the development shall be occupied until the roads, footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit in accordance with plans, timetables for implementation and details submitted to and approved in writing by the Local Planning Authority.
- 26) The new estate roads shall be designed and constructed to a standard approved in writing by the Local Planning Authority in accordance with the Highway Authority's standards with a view to subsequent adoption as a publicly maintained highway.
- 27) The layout at the reserved matters stage shall incorporate a children's play area that is integral to the overall design and layout. The details accompanying the submission shall include seating areas, drainage specifications, landscaping, play equipment, management and maintenance provisions, and timetable for installation. The children's play area shall be installed and maintained in accordance with the approved details and timetable.
- 28) The employment element of the development hereby permitted shall be used for uses falling within Class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose (including any other use in Class E).
- 29) The vehicle parking spaces shall measure 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.
- 30) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 31) Construction work shall not take place other than between 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/Statutory Holidays.
- 32) Details of any external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of any building. The development shall be carried out in accordance with the approved details.

End of Schedule