



# Appeal Decision

Site visit made on 20 March 2023

**by Robert Naylor BSc (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2023**

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**Appeal Ref: APP/C1435/W/22/3292375**

**Land at Blackbrooks Garden Centre, Eastbourne Road (A22), Lower Dicker, Hailsham BN27 4BJ**

- 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 Mark Winchester of Blackbrooks Garden Centre against the decision of Wealden District Council.
  - The application Ref WD/2021/0999/MAO, dated 14 April 2021, was refused by notice dated 8 October 2021.
  - The development proposed is the demolition of existing garden centre building and bungalow. The redevelopment of the site for up to 45 no. dwellings, gardens and parking and use of existing access to the A22. The provision of SUDS, open space, playspace and strategic landscaping including retention of existing boundary screening.
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## Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing garden centre building and bungalow. The redevelopment of the site for up to 45 no. dwellings, gardens and parking and use of existing access to the A22. The provision of SUDS, open space, playspace and strategic landscaping including retention of existing boundary screening at Blackbrooks Garden Centre, Eastbourne Road (A22), Lower Dicker, Hailsham, BN27 4BJ in accordance with the terms of the application, Ref WD/2021/0999/MAO, dated 14 April 2021, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. The matters of appearance, landscaping, layout, and scale would therefore be for future consideration were the appeal to be allowed. The appellant has however submitted an indicative masterplan which shows, amongst other things, the proposed development area, positions of proposed dwellings, open space, ponds, access to the site from Eastbourne Road (A22) and indicative pedestrian routes.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.

## **Main Issues**

4. The main issues are i) whether the proposal would be sited in a suitable location for housing having regard to the national and local planning policies, and ii) the effect of the proposed development on the supply of local services.

## **Reasons**

### *Suitable location for housing*

5. The National Planning Policy Framework (the Framework), amongst other things, advises that housing development in rural areas should be located where it will enhance or maintain the vitality of rural communities and identify opportunities for villages to grow and thrive, especially where this will support local services. The Framework also seeks to promote alternative forms of transport other than the private car. Saved Policy EN1 of the Wealden Local Plan (WLP), adopted December 1998 relates to sustainable development, which reflects the aims and objectives of the Framework in regard to rural development.
6. Saved Policies GD2 and DC17 of the WLP are specific in their requirements that outside rural settlement boundaries, development will be resisted. Policy WCS6 of the Wealden District Core Strategy Local Plan (WCS), adopted February 2013 provides categories of settlements, highlighting the housing provision will be expected within these Service Centres, Local Centres and Neighbourhood Centres. The policy removes some settlements from the WLP, deeming them as unclassified settlements. This includes Lower Dicker. I acknowledged that the Hellingly Neighbourhood Plan (HNP), adopted February 2021 identifies four main settlements, including the "Lower Dicker Village Area". However, this does not change the status of Lower Dicker as an unclassified settlement within the WCS. In addition, Lower Dicker does not display the traditional characteristics of a village, in that there is a lack of day-to-day needs being met other than some top up shopping at petrol station shops. As such, given the appeal site is outside of the defined limits of the settlement, there is a presumption against development in this location.
7. The nearest defined settlements to the appeal site are Hailsham and Uckfield. The Transport Assessment (TA) highlights that there are two bus services (Nos 54 and 143) which follow the A22, and from which future occupants could access local facilities. The frequency of this service runs hourly, although the developer has provided a planning obligation which provides a contribution to enhance the bus service to provide for an additional morning peak service and to contribute to the improvement of facilities. Although I shall address this further under 'conditions and planning obligations' below, the position of the appeal site in relation to the bus stops and the existing service and the proposed improvements mean that future occupants could realistically make trips to and from the larger settlements by bus.
8. In terms of other alternative means of transport, the general condition of local infrastructure, together with the distance, is such that travel to these settlements by more sustainable means such as walking, and cycling would be highly unlikely particularly when carrying shopping, in the dark or during inclement weather conditions. Nevertheless, the improvements to the highways and increased bus services secured through a planning obligation, would provide realistic alternative for future occupiers to use other modes of transport

to access services, employment, education, and healthcare to support their day-to-day activities. Consequently, the appeal proposal would not result in future occupier being entirely reliant on the private motor car.

9. The Council draw my attention to other appeal decisions within Lower Dicker which have concluded that the area would not represent a suitable location. However, the appeals at Land adjacent to 2 Summer Bank Cottages<sup>1</sup> and The Blue Shed<sup>2</sup> related to smaller, more remote sites located some distance from any bus stops, which is not the case here. As such those schemes are not directly comparable to this appeal.
10. Whilst the appeal decision at Caldicotts Farm<sup>3</sup> is of more relevance given its proximity to the appeal site, the decision was set against a realistic fallback position and an identified harm to character and appearance. Given the Council have identified this appeal scheme provides no harm to the character and appearance of the area, as this is a reserved matter, and that I have found that the site would be accessible by more than just the private car, I find the comparisons limited.
11. Whilst the principle of residential development in the area has been established given the existing residential dwellings in the vicinity, the scheme is nevertheless outside of the defined limits of a settlement. Although the proposed development would contribute towards housing provision in Wealden District, it would nevertheless be in conflict with WLP Policies GD2 and DC17 and EN1 and WCS Policy WCS6. I will return to consider the weight to be given to this conflict in the planning balance section below. However, given that future occupiers would have access to alternative means of transport, with the provision of an enhanced bus service the scheme would comply with WLP Policy EN1 and the provisions of the Framework relating to sustainable access to shops and services.
12. Whilst the Council's refusal refers to a conflict with WLP Policy TR3, I do not have any substantive evidence that the proposal would unacceptably effect traffic conditions, and subject to conditions a satisfactory means of access could be provided. As such this policy is of limited relevance to this main issue. Nor do I find conflict with Policy EN8 of the WLP or LD1 of the HNP which principally relate to the impact of development on the Lower Weald countryside and maintaining the character, appearance and historic value of Lower Dicker respectively. Given that this is an outline application with all matters reserved, other than access, I find these policies largely irrelevant to this main issue.

#### *Supply of local services*

13. The appellant has submitted details of the employment at the site including advice from a specialist consultant<sup>4</sup>, in respect to the investment required to compete with other destination garden centres in the area. The consultants highlighted that the current site was in a poor state of repair and would require significant investment to improve it and to make it competitive. The details also highlight that there are several other destination garden centres locally, including Hilliers Garden Centre outside of Hailsham, Marchants Hardy Plants in Laughton and Stavertons Garden Centre further along the A22 in Halland,

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<sup>1</sup> PINS Ref: APP/C1435/W/17/3167192

<sup>2</sup> PINS Ref: APP/C1435/W/17/3171939

<sup>3</sup> PINS Ref: APP/C1435/W/18/3200728

<sup>4</sup> Letter from Malcolm Scott Consultants Ltd dated 15<sup>th</sup> January 2021 Ref: MSC/1911/CP/bh

highlighting that the alternative sites provide adequate garden centre facilities for the local and surrounding areas. I have been presented with little substantive evidence to counter these findings.

14. The appeal site also employs a low number of staff, who are on a central contract and work across the sister sites at Sedlescombe and Hastings, where investment has taken place to extend and strengthen the retail functionality. The appeal site is further constrained through a Section 106 agreement that restricts the sale of convenience services and goods. As such, the facility does not provide essential goods and services for the local community. Consequently, the sites viability as a garden centre is questionable, given the excess of alternative destinations, thus limiting the demand for this particular employment unit, as supported by the consultants letter.
15. Consequently, on the basis of the available evidence, I am persuaded that it is unlikely that a garden centre would continue to be viable at the appeal site. The appellant has demonstrated that without significant investment there is no reasonable prospect for business use in the longer term. Accordingly, I conclude that the proposal would not result in an unacceptable loss of local services and community facilities and would therefore not conflict with Paragraph 84 of the Framework.

### **Other Matters**

16. In regard to housing land supply, both parties agree the Council cannot currently demonstrate a five-year supply of deliverable housing sites (FYHLS). The Wealden District Council Five Year Housing Land Supply Statement, April 2021 highlights that the FYHLS is 3.66 years (or 73%). This is a substantial shortfall in the current Wealden FYHLS and carries significant weight. I shall consider these matters further in the planning balance.
17. Wealden District Council are seeking to meet the demand for self-build custom housing (SBCH) within the district, for which there is strong Government support. The appeal proposal would provide SBCH through a planning obligation. As such, this would provide weight in favour of the scheme, which I will consider in the planning balance below.
18. The Council have highlighted 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 have no reason to disagree with this conclusion.
19. I recognise that the proposal has generated public interest, with several consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions by the interested parties, which include but are not limited to, the need for development, infrastructure, access, traffic and highway safety, drainage, protected species, noise pollution, light pollution, living conditions and anti-social behaviour.
20. In terms of need, each scheme is required to be considered on its own merits and circumstances. Nevertheless, the Framework requires a significant boosting of the supply of homes. Furthermore, the importance of windfall sites,

such as this, are valuable in meeting housing needs. As such the proposal would make a valuable contribution to the provision of housing required by Wealden District Council.

21. The proposed planning obligations referred to below would, amongst other things, ensure provision of the on-site play space and green infrastructure, and County contributions with mitigation measures relating to highway works and public transport. With such mitigation in place, I have no substantive evidence to demonstrate that the residents of the proposed development would cause unacceptable additional pressure on that or any other existing infrastructure relating to local services and facilities.
22. Having regard to highway matters, I have taken account of the submitted Traffic Assessment<sup>5</sup> (TA) which addresses matters of concern, dealing with issues of trip generation and traffic impact relating to the proposed development, highway safety and provides details of the public transport improvements.
23. The TA further highlights that vehicle tracking plans show a refuse collection vehicle can access and turn within the site. Furthermore, the vehicular access to the site is provided from the existing access point, which has the benefit of a right turn filter lane and is of suitable width to serve the proposed residential development. Subject to conditions the access is considered appropriate, and I have no substantive basis to consider differently.
24. The Council consider the concerns relating to drainage can be mitigated through the use of conditions. I agree and have therefore included appropriate conditions.
25. In terms of ecological issues and protected species, the appellant undertook ecological surveys<sup>6</sup> which highlighted that existing habitats could be sensitively managed during the construction phase, including habitats for bats, birds and other protected species. Recommendations for further survey work and enhancements were made, aimed at improving the ecological value of the site and providing a net gain in biodiversity post-development. The appellant also submitted an arboricultural impact assessment and a Preliminary Arboricultural Method Statement with the proposal. Some trees are planned to be removed as part of the proposal, however mitigation planting is proposed.
26. The aforementioned biodiversity enhancement recommendations and arboricultural impact assessment could be secured by condition. I have no evidence to counter the findings of these studies, and what has been submitted by the appellant satisfactorily demonstrates that any harm to habitats could be suitably mitigated due to the measures proposed. Consequently, I conclude that subject to conditions the proposal would protect biodiversity and wildlife habitats.
27. Whilst the proposed development would inevitably increase the noise and lighting levels associated with the site, it would be in the context of the prevailing existing residential use in the immediate vicinity. The levels concerned would therefore be unlikely to be unacceptably harmful in that context. Furthermore, the nature and levels of lighting could be secured and controlled by condition.

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<sup>5</sup> Transport Assessment prepared by Reeves Transport Planning dated April 2021 (Ref: SGR/BGC/190221 V5)

<sup>6</sup> Preliminary Ecological Appraisal and Bat Survey Report both prepared by The Ecology Partnership, April 2021

28. In terms of the living conditions of surrounding existing residents, I have had regard to potential overlooking and loss of privacy to, and outlook from, existing properties adjacent to the site. The current outline application does not seek approval of the detailed layout albeit that an indicative layout has been submitted. Nevertheless, the submitted plan shows how there is a significant degree of separation to existing houses. It is acknowledged that outlook from existing surrounding properties would inevitably change, however I have no substantive basis to consider that the proposed development could not be designed at the reserved matters stage to avoid unacceptable loss of privacy and outlook from existing neighbouring properties.
29. Having regard to concerns relating to anti-social behaviour as a result of the proposed development, there is no substantive evidence to support such concerns subject to appropriate design measures that would need to be dealt with at the reserved matters stage.

### **Conditions and planning obligations**

30. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. The provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and Paragraph 57 of the Framework state that planning obligations must only be sought where they meet all of the relevant tests.
31. Planning Obligations have been submitted within Section 106 agreement and draft Section 278 Agreement, making provision for the following:
- 35% of the proposed dwellings shall be affordable housing, in accordance with the requirements of Policy AFH1 of the Affordable Housing Delivery Local Plan, adopted May 2016 and paragraph 65 of the Framework.
  - 5% of the proposed dwellings shall be on-site SBCH in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016.
  - Details, implementation and management of the proposed green infrastructure, in accordance with the requirements of the Council's draft SPG Outdoor Playing Space and saved policies.
  - Appropriate financial contribution toward off-site youth and adult recreation space in the Parish in accordance with the requirements of the Council's draft SPG Outdoor Playing Space and saved policies.
  - Appropriate financial contributions towards local public transport, in particular the provision of footways on either side of the site access, reconstruction of site access including tactile paving, improved footways to nearest bus stops on northern and southern sides of A22, including improvements to the bus stops (layby, bus shelter, seating and bus poles). Also, County Contributions which includes bus service and TRO contributions. These relate to the need to promote sustainable transport as set out in section 9 of the Framework, WLP Policy TR3 relating to transport and new development and development impacts on the transport network, and in the case of the TRO, for highway safety reasons.

32. The Section 106 legal agreement is therefore necessary to make the development policy compliant, is related directly to the development and provides a fair and reasonable contribution from the appellant related in scale and kind to the proposal. Consequently, in terms of my considerations this represents benefits of the development, weighing in its favour.
33. The Council has submitted 28 suggested conditions should I be minded to allow the appeal. These are generally agreed by the appellant. I have considered the Council's suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
34. The standard conditions are necessary, which relate to the timescale for commencement of development, to ensure the submission of details relating to the reserved matters, and the timescale for the latter. For certainty, a condition requiring the development to be carried out in accordance with the approved plans are also necessary.
35. In the interests of highway safety and living conditions of nearby residents, I have imposed a requirement for a Construction Management Plan (CMP) which is necessary to submit prior to the approved development commencing. I have also included within this condition the Council's suggested conditions in respect to hours of construction works and details of flood risk management during the construction phase for brevity.
36. In the interests of highway safety conditions are necessary to secure the following: provision of visibility splays; provision of the proposed new site access and standards of estate roads. In order to encourage sustainable modes of travel, a condition to secure the implementation of a Residential Travel Plan are also necessary.
37. To ensure adequate surface water drainage, outfall and foul water drainage from the site, conditions are necessary to secure details and the implementation of appropriate surface water discharge, sewerage disposal and maintenance and management measures thereafter.
38. To maintain air quality, control is required over site working practices and I have included the condition to mitigate potential effect on health and the local environment.
39. I have added a condition to promote renewable energy, water and energy efficiency measures to achieve sustainability objectives and ensure that these are achievable prior to development commencing.
40. In the interests of the ecology of the site, conditions are necessary to mitigate any harm to protected habitats. I have also imposed a condition ensuring that the biodiversity enhancement recommendations contained in the Preliminary Ecological Appraisal (PEA) are undertaken, alongside a wildlife management plan and details of external lighting, also in the interests of the living conditions of nearby residents.
41. In the interests of the character and appearance of the site and surrounding area, and living conditions of nearby residents a condition is necessary to secure the retention of trees and hedgerows.

42. As there could be features of archaeological interest on the site, it is necessary to secure the submission and implementation of a programme of archaeological work prior to commencement of development, alongside securing a post investigation assessment.
43. In the event that contamination is found on the site and needs to be dealt with adequately in the interests of the health of future occupiers, a condition is imposed to ensure any necessary remediation works have been carried out.
44. The Council has suggested conditions relating to the location of the market housing, proposed car parking provision and a landscaping management plan. However, as these are all detailed matters, they would need to be appropriately considered at the reserved matters stage, as such it is unnecessary to include such conditions at this stage.

### **Planning balance and conclusion**

45. The Council accepts that it cannot demonstrate a FYHLS at present and the shortfall can be described as "substantial". Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. of the National Planning Policy Framework should be applied.
46. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme. I have found that the proposed development would conflict with the Council's spatial strategy as set out in WLP Policies GD2 and DC17 and WCS Policy WCS6 in terms of its location outside of the defined limits of development, which is harm that attracts significant weight. However, I have not found conflict with the HNP and in this regard paragraph 14 of the Framework is not applicable here. In respect to the effect of the proposed development on the supply of local services I have concluded that there would be not conflict with paragraph 84 of the Framework in this regard.
47. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing up to 45 dwellings towards the supply of housing in the District. Of those dwellings, the proposed 35% contribution to the local supply of affordable housing would be an added benefit, along with the 5% provision for SBCH given the clear need for such housing locally. Those combined benefits therefore attract significant weight. This is particularly relevant given that the Council is currently not able to demonstrate FYHLS, with that being a substantial deficit of 3.66 years, which would lessen the harm to the Council's spatial strategy identified above.
48. There would also be likely significant economic benefits relating to the provision of construction related jobs during the construction phase, albeit on a temporary basis for the duration of that phase; and then in terms of local spending by prospective residents of the proposed development, locally on other services. Furthermore, there are aspects of the proposed development, in particular the proposed green infrastructure and youth and adult recreation space and financial contributions towards local bus service improvements and improvements to local walking and cycling facilities which, although required in respect of the proposed development, would also be likely to benefit existing local people. The proposal would also have the potential benefit of delivering biodiversity net gain and other environmental enhancements. These social,

economic and environmental benefits all attract substantial weight in favour of the proposal.

49. Notwithstanding my findings in relation to the main issues, I have found there to be no other matters that would cause unacceptable harm, subject to appropriate conditions and planning obligations where applicable; and that there would be no adverse or likely significant effects on designated European sites.
50. Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, the extent to which there would be adverse impacts of granting planning permission relating to the first main issue, would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.
51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Overall, in my view, I consider that collectively the material considerations in this particular case, when set against the particular policy context and housing shortfall, clearly outweigh the harm as a result of the breach of WLP Policies GD2 and DC17 and WCS Policy WCS6. Furthermore, the adverse impacts of granting permission in this particular instance are significantly outweighed by the benefits. Therefore, there is no justified basis to resist the appeal proposal.
52. For the reasons given above I conclude that the appeal should be allowed.

*Robert Naylor*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 6383/21/LP/A
- 5) 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 anticipated number, frequency and types of vehicles used during construction.
  - The construction hours.
  - The method of access and egress and routeing of vehicles during construction, including temporary access.
  - 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.
  - The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
  - Details of public engagement both prior to and during construction works.
  - A scheme for the control of noise and dust.
  - Details of the measures to manage flood risk, both on and off the site, during the construction phase
- 6) No development shall take place, including any ground works or works of demolition, until a detailed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the details have been completed in accordance with the agreed surface water drainage system.

The surface water drainage system shall incorporate the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the proposed 5 l/s for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
  - b. The details of the outfalls of the proposed attenuation ponds and how they connect into the watercourses shall be submitted as part of a detailed design including cross sections and invert levels.
  - c. The detailed design of the attenuation ponds shall be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
  - d. Details of the measures proposed to manage exceedance flows. This shall include details of how the existing overland surface water flows will be retained.
  - e. Evidence that the existing watercourses on site will be retained. This shall include detailed drawings showing the retained watercourse and culvert in communally maintained space and ground levels encouraging conveyance of the existing overland surface water flow route to the watercourse safely.
- 7) No development shall take place, including any ground works or works of demolition, until a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation foul drainage works shall be carried out in accordance with the approved details and thereafter retained.
- 8) No development shall take place, including any ground works or works of demolition, until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance.
- Prior to occupation the management plan shall implemented as specified within the approved document and remain in place for the lifetime of the development and cover the following:
- a. 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
- 9) No development shall take place, including any ground works or works of demolition, until an emissions mitigation assessment which shall be based on the advice provided in the Air Quality & Emissions Mitigation

Guidance for Sussex (2020) has been submitted to and approved in writing by the Local Planning Authority. A mitigation cost calculation shall be undertaken and outline mitigation proposals integrated into the development as part of the assessment. The development shall thereafter be built in accordance with the recommendations of the emissions mitigation assessment as approved.

- 10) No development shall take place, including any ground works or works of demolition, until full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the details have been completed in accordance with the approved measures and retained thereafter.
- 11) No development shall take place, including any ground works or works of demolition, until a wildlife management plan has been submitted to and approved in writing by the Local Planning Authority, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, measures for the mitigation of any harm to them likely to be caused by the development, and timings for the implementation of the proposed works and measures. The works and other measures forming part of that plan shall be carried out in accordance with it.
- 12) No development shall take place, including any ground works or works of demolition, 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.
- 13) The development shall not be occupied until details of the layout of the reconstructed access and specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the development not be occupied until the construction of the access has been completed in accordance with the agreed specification.
- 14) The development shall not be occupied until details of the new estate roads have been submitted to and approved by the Local Planning Authority in accordance with Highway Authority's standards, and the approved estate roads provided.
- 15) The development shall not be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.
- 16) The development shall not be occupied until evidence (including as built drawings and photographs) has been submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
- 17) The development shall not be occupied 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 in accordance with the programme set

out in the Written Scheme of Investigation approved under Condition 22 above to the written satisfaction of the Local Planning Authority.

- 18) The access shall not be used until visibility splays of 2.4m by 120m are provided in both directions and maintained thereafter.
- 19) Prior to the construction of the outfall, a survey of the condition of the watercourse which will take surface water runoff from the development shall be investigated. Results of the survey, including any improvements to the condition of the watercourse shall be submitted to and approved in writing by the Local Planning Authority.
- 20) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.
- 21) The development shall take place strictly in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Bat Survey Report both authored by The Ecology Partnership. The development shall not be occupied until the details have been completed in accordance with the approved measures and retained thereafter.
- 22) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional and has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform to the requirements for Environmental Zone E2 contained within Table 2 of the Institution of Lighting Professionals Reduction of Obtrusive Lighting Guidance Note 01/21. The development shall not be occupied until the details have been completed in accordance with the approved measures and retained thereafter.
- 23) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the root protection area (RPA) of any tree or hedgerow, except with the consent of the Local Planning Authority:-
  - (i) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of the tree or hedgerow.
  - (ii) No roots shall be cut, trenches dug or soil removed within the RPA of the tree or hedgerow.
  - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of the tree or hedgerow.
  - (iv) No fires shall be lit within the RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of

BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.

(v) No vehicles shall be driven over the area within the RPA of the tree or hedgerow.

(vi) No materials or equipment shall be stored within the RPA of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'.

- 24) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority prior to occupation. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which must be submitted and approved in writing by the Local Planning Authority.

END