



## Appeal Decision

Inquiry held on 30 May 2023 and 15 -18 August 2023

Site visit made on 30 May 2023 and 18 August 2023

**by Graham Wyatt BA (Hons) MRTPI**

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

**Decision date: 6<sup>th</sup> November 2023**

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### **Appeal Ref: APP/P1425/W/23/3315253**

### **Former Bennett's Field Car Park, Falmer BN1 9BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Downing Students (Brighton) LPI, Matthew Bennett and Richard Bennett against the decision of Lewes District Council.
  - The application Ref LW/22/0175, dated 28 February 2022, was refused by notice dated 18 October 2022.
  - The development proposed is described as a "development for purpose-built student accommodation (sui generis use) comprising 555 bedrooms within 2 no six-storey wings and central two-storey link; with ancillary amenity spaces, cycle parking and landscaping; and construction of new pedestrian and vehicular access from The Drove."
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### **Decision**

1. The appeal is allowed and planning permission is granted for a development for purpose-built student accommodation (sui generis use) comprising 555 bedrooms within 2 no six-storey wings and central two-storey link; with ancillary amenity spaces, cycle parking and landscaping; and construction of new pedestrian and vehicular access from The Drove at Former Bennett's Field Car Park, Falmer BN1 9BL in accordance with the conditions on the attached schedule.

### **Application for costs**

2. An application for costs was made by Downing Students (Brighton) LPI, Matthew Bennett and Richard Bennett against the decision of Lewes District Council. This application is the subject of a separate Decision.

### **Preliminary Matters**

3. The inquiry opened on 30 May 2023 and was adjourned shortly afterwards due to a personal issue without hearing opening statements from either party. The inquiry resumed on 15 August 2023 and sat for four days.
4. The Council's decision notice contained a reason for refusal relating to the impact of the development upon air quality. The appellant provided a revised air quality assessment<sup>1</sup> which has been accepted by the Council as overcoming its concerns on this matter.
5. I was provided with a number of documents during the event, which are those as listed at the end of this decision letter.

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<sup>1</sup> Air Quality Assessment, Tetra Tech dated 18<sup>th</sup> August 2022

6. Since the submission of the appellant's appeal, the Revised National Planning Policy Framework (the Framework) was published and came into force on the 5 September 2023. The revisions update policy on planning for onshore wind development in England. As such, the amendments to the Framework are not material in the consideration of the appeal before me.

### **Main Issues**

7. The main issues in this appeal are the effect of the development on the character and appearance of the area, on the dark sky status of the South Downs National Park, and on the setting of designated heritage assets.

### **Reasons**

#### *Character and Appearance*

8. The development proposes buildings which would be constructed over six storeys to be used as Purpose Built Student Accommodation (PBSA). The appeal site forms a car park that is located close to Brighton and Hove Albion Football Club stadium at Falmer, which is known as the Amex Community Stadium (ACS). This particular building has a distinct curvilinear form and is clearly visible within the landscape, forming a focal point when viewed from the countryside that surrounds the stadium and the appeal site, and from the A27 dual carriageway that abuts the ACS to the north.
9. The South Downs National Park (SDNP) stretches across a vast area from Winchester to Eastbourne and surrounds the appeal site and the ACS. However, both the ACS and appeal site lie outside of the SDNP, along with buildings at the University of Sussex (UoS) to the north, buildings at Brighton University to the east, and a small part of Falmer village to the east and Falmer train station to the west. The SDNP extends to Village Way, encompassing the large expanse of open and rolling countryside to the south.
10. Site Allocation E2 of the Lewes District Local Plan Part 2, 2020 (LLP2) also encompasses the ACS car park and bund that surrounds the northern part of the stadium. This site allocation has the potential to be developed for office, health/education uses, or other uses ancillary associated directly with the ACS.
11. The appeal site is clearly within the context of a built-up area, and one that has elements promoted through Policy E2 of the LLP2, to be further developed. Additionally, one has to consider the effect of the ACS, not only on the immediate context of the appeal site, but its wider influence on the character and appearance of the area, which includes the setting of the SDNP. In this context it is very difficult, if not impossible to avoid, the built-up nature of the area when considering the proposed development.
12. There is no escaping the fact that the proposed building is large and would be at odds with the bowl-shaped ACS building. Nevertheless, the building itself proposes a subtle curve to its façades, giving it a degree of articulation. The contrasting materials such as Sussex brick, and flint which seek to add interest into the building, whilst reflecting its surroundings and local connection. Rounded ends create a visual interest whilst large openings would give the impression of quoins at each end of the wings, helping to break up its overall massing. I am not persuaded that its design would detract from the wider area and moreover, it responds positively to the context of its built-up surroundings as a previously developed site that sits closely to a very large football stadium.

13. Furthermore, the only building with such a unique curvilinear design character in the vicinity of the appeal site, is the ACS, with the vast majority of educational buildings taking on a more traditional, square, or rectangular design. Moreover, even where it will be visible from public vantage points, and notwithstanding the scale and shape of the proposal, it will not compete with the ACS which will remain the most dominant, distinctive, and recognisable gateway building in the landscape. The proposal will not alter that perception.
14. Additionally, whilst close to its boundaries, the appeal site is nonetheless located outside of the SDNP. Therefore, although the Framework affords the SDNP the highest protection, the test is not one of conserving or enhancing the landscape and scenic beauty of the SDNP, but that developments within its setting should be sensitively designed to avoid or minimise adverse impacts of the designated area. Furthermore, the advice within the National Planning Practice Guidance reiterates that land within the setting of National Parks, and other designated areas, often make an important contribution to maintaining their natural beauty. Moreover, this is especially the case where long views from or to the designated landscape are identified as important<sup>2</sup>.
15. I have carefully considered the evidence within Mr. Harpers Landscape Character and Visual Impact proof and its appendices. I have also had careful consideration of the character areas that make up the SDNP and surrounding areas, taking into account the effect of the development on both views in and out of the National Park. However, as previously rehearsed, the appeal site lies within an enclave of built development with large buildings in its vicinity. Therefore, although there may be some transient views of the site from closer quarters, such as from Village Way and the public footpath at Westlain Plantation<sup>3</sup>, the distance from the site, the undulating landscape, the presence of the ACS and other tall, rectangular buildings in the area, would limit views of the appeal site. Indeed, the proposed building would meld and assimilate with other similar buildings that are close by. Whilst in other instances, the site and appeal building would not be readily visible as a result of the ACS and landscaping effectively shielding the site from views.
16. The views of large open skies will remain unaffected by the development. Moreover, I am not persuaded that the proposal would harm the transition between Brighton's urban edge and the SDNP nor its tranquillity at this particular point, given the presence of the ACS, a train station, the A27 and other developments. Whilst the gap that currently exists between the ACS and The Drove does allow a vista across the landscape, despite the height of the proposed building, views of trees beyond the appeal site and the rolling landscape within the SDNP would be largely unaffected by the development.
17. Additionally, notwithstanding any landscaping that may be introduced at the site or indeed along Village Way, viewpoint 7<sup>4</sup> clearly demonstrates that the open and rolling landscape of the SDNP, along with the strong visual tree belt to the north of the site, remain unaffected by the development. There is also nothing before me to suggest that the appeal site is part of a protected landscape area that surrounds Falmer. Furthermore, the Council has to acknowledge that part of the gap has been allocated as a suitable site for additional development through Policy E2 of the LLP2. The surrounding car

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<sup>2</sup> Paragraph: 042 Reference ID:8-042-20190721

<sup>3</sup> Viewpoint NH11

<sup>4</sup> CD 1.5 page 71

parks also remain previously developed land (PDL) that has support for redevelopment through paragraph 120 of the Framework.

18. Therefore, I am satisfied that the proposal responds positively to its context, is of a scale that is appropriate, and would be of an acceptable design that would not harm the character and appearance of the area, nor the setting of the SDNP. Thus, the development would not be in conflict with Policies CP8 and CP10 of the Lewes District Local Plan Part 1, 2016 (LLP1), Policies DM25 and DM27 of the LLP2 and paragraphs 130, 174 and 176 of the Framework, which seek, amongst other things, to ensure that development proposals contribute towards a local character through high quality design and has regard to the setting of the SDNP.

### *Dark Skies*

19. The SDNP is designated as a Dark Sky Reserve. Paragraph 185 c) of the Framework also recognises that developments should be appropriate for its location having regard to the impact of light pollution from artificial light on intrinsically dark landscapes and nature conservation. Although I accept that the existing use of the site as a car park contains a number of tall lampposts that themselves cause light pollution, I must be satisfied that the proposed use is acceptable when having regard to the site as close to an area that is designated as a Dark Sky Reserve.
20. The dark sky mapping within Mr Smith's evidence indicates that the site lies adjacent to area E1b<sup>5</sup>, which is a transition zone and reflects the quality of the sky overhead. The Dark Sky Core is some distance to the west and the level of tranquillity at the site is also low. It is apparent that the level of darkness and tranquillity increases the further away from the urban edge one becomes. It is evident that the appeal site is not within the Dark Sky Core or within an area that scores highly for its tranquillity. This is reflected in its location within an area of built development, close to the ACS and its car park, Falmer train station, Brighton and UoS campus buildings, and the A27, all of which have its own level of illumination.
21. Given its location within a built up area, the appellant's Environmental Lighting Baseline Survey<sup>6</sup> states that the site is categorised as E3 Suburban<sup>7</sup> and concludes that there will be a lower level of illumination than its current use as a car park which contains outdated lighting. Thus, there will be a nett reduction on overall light levels. Although the appellant has agreed to a condition detailing the external lighting to be used at the site, the Council argue that light to be emitted from the actual buildings as well as any external lighting needs to be taken into account.
22. The building proposes a large number of windows that are likely to be sources of light. Given its 24 hour occupation during term times, the light pollution could be over many hours as people come and go from the building. However, it is evident that the majority of windows proposed face into the site or onto the trees on The Drove. Moreover, one has to accept that the site is within a built-up area that already contains a number of sources of light, which includes the ACS which has several floodlights to enable games to be played during the

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<sup>5</sup> CD 9.3 page 10

<sup>6</sup> Hoare Lea dated 28 April 2023

<sup>7</sup> CD 9.3 appendix 6, page 103 ~ 164

evening and night, and for those matches during the winter months that would require assistance from the floodlights. Indeed, the photograph of the stadium and appeal site at night time<sup>8</sup> demonstrates that the skies around the appeal site are the subject of many sources of illumination.

23. Therefore, the appeal site is far removed from the Dark Sky Core and is adjacent to many other sources of light, in an area of low tranquillity. Consequently, I am satisfied that the proposed development would not result in harm over and above what already occurs around the appeal site, including a large number of education buildings, some of which are used as PBSA.
24. Thus, the development would not result in harm to the Dark Skies of the SDNP. It would not be in conflict with Policy DM20 of the LLP1 and paragraph 185 c) of the Framework which seek, amongst other things, to ensure that developments do not result in unacceptable levels of light pollution.

#### *Designated Heritage Assets*

25. Although there are no designated heritage assets on the site, it is within the setting of the Falmer Conservation Area (FCA) and is visible from the Grade II registered Stanmer Park, which also contains Stanmer House, a Grade I listed building. Additionally, there are a number of listed buildings within Falmer and the UoS campus.
26. Paragraphs 199 and 200 of the Framework require great weight to be given to the asset's conservation and that in considering the setting of these assets, any harm to their significance should require clear and convincing justification. The Framework also states at paragraph 206 that proposals which preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.
27. Annex 2 of the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The extent of the setting is not fixed and may change as the asset and its surroundings evolve and elements of a setting may make a positive or negative contribution to the significance of an asset or may be neutral.
28. The significance of Stanmer Park derives from its position as an 18<sup>th</sup> century country estate with Stanmer House at its core. The park and house have a historic significance, and the building has architectural significance as a fine example of an 18<sup>th</sup> century Neo-Palladian country house that is set within a grand park. It is feasible that some of the proposed development would be visible from the park. Nevertheless, views of the appeal site across Stanmer Park are largely blocked by trees and other landscaping. Most notably viewpoint 4<sup>9</sup> is where one would be able to see the proposed development. However, this view is across a landscape of buildings within the UoS campus, with the ACS in the background. Given its distance from the appeal site, and the intervening built environment that exists when viewed from Stanmer Park, the development would be read as another campus building in a cluster of many others. I am not persuaded that this would result in any additional harm to its setting. Consequently, I find the development to have a neutral effect on

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<sup>8</sup> CD 9.3 Photograph 11

<sup>9</sup> CD1.5 Page 64

Stanmer Park and House, thereby preserving it in accordance with the expectations of the Act<sup>10</sup>.

29. Typically, the significance of the FCA derives from its historic layout which also contains a number of listed buildings. Other listed buildings in the area also gain significance from historic connections or architectural quality. There is a large and dense belt of protected trees between the appeal site and The Drove where the access will be provided. An additional belt of trees also exists on the other side of The Drove and both of these tree belts effectively shield the proposal from the FCA.
30. Moreover, the distance from the FCA, the density of the tree belts, and the topography of the land means that the development would be hardly perceptible from within the FCA, even during the winter months when trees are without leaves. Consequently, notwithstanding that its size and design would be at odds with the FCA, the development will be barely visible from within the FCA, or through the proposed access with its significance remaining unaffected, leading me to conclude that the proposal would have a neutral effect upon the setting of the FCA, thus conserving it in accordance with the Framework.
31. Turning to individual listed buildings, these are scattered across the area with some on the UoS campus and some within the FCA. Given the distance and intervening landscaping around the appeal site, I am not persuaded that the individual significance or setting of these listed buildings would be affected by the development.
32. Consequently, in considering whether to grant planning permission for development which affects the setting of designated heritage assets, I am required to have special regard to the desirability of preserving that setting<sup>11</sup>. I have also given great weight to the conservation of the setting of designated heritage assets as I am required to do at paragraph 199 of the Framework. I have set out above what I consider to be the important elements of the setting of the assets in relation to the appeal proposal and have found, for the reasons given above, that the appeal proposal would have a neutral effect and thus, does not harm the setting of the designated heritage assets.
33. Thus, the development would not be in conflict with Policy CP11 of the LLP1 and paragraph 194 of the Framework which seek, amongst other things, to ensure that developments conserve and enhance the cultural heritage of the area.

### **Other Matters**

34. The appellant has provided a completed legal agreement (the agreement) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). This agreement has been entered into by both parties and seeks to secure a number of planning obligations. These include financial contributions towards a Travel Plan Audit Fee and a Traffic Regulation Order. A Travel Plan will also be included, and the agreement requires the signatory to enter into Section 278 of the Highways Act 1980 to secure off-site highways works.
35. The Council has provided a Community Infrastructure Levy 2010 (CIL) Compliance Statement, which details the policy requirements for these

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<sup>10</sup> Planning (Listed Building and Conservation Areas) Act 1990

<sup>11</sup> Planning (Listed Building and Conservation Areas) Act 1990, s66(1)

- contributions. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are 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. Therefore, as they accord with Regulation 122 of the CIL, I can take all of the proposed obligations into account as part of my decision.
36. The parties agreed through the statement of common ground that the site represents PDL and is an acceptable location for PBSA. The parties also agree that the development will meet a demand for additional PBSA and would possibly relieve pressure on the housing stock within Brighton.
37. I accept that the development is likely to benefit Brighton more than it will benefit Lewes. However, it is evident that Brighton by far has the greatest need to prevent family housing being lost through the conversion into smaller units, flats, or housing in multiple occupation for students to occupy. Moreover, I am not aware of any restriction on Lewes District Council that it should only provide accommodation for students within its own administrative area, and it is feasible that students from UoS and Brighton will occupy the building.
38. A number of other issues were raised by local residents relating to noise and disturbance from the development, and the increase in traffic that would be generated in the area. The appeal site is highly sustainable with buses and trains to Brighton and Lewes. The site itself will not provide parking for residents, save for a couple of accessible parking bays. Occupiers will also be part of a Changeover Transport Management Plan to avoid large numbers of students arriving when they start and finish occupying the building. A Travel Plan will also be provided. Moreover, the Local Highway Authority has not objected to the development on highway safety or parking grounds. In the absence of compelling evidence to the contrary, I see no reason to disagree with that assessment.
39. With regard to noise generation, the site will be the subject of a condition requiring the accommodation to be constructed in accordance with British Standards on sound insulation and acoustic specifications for glazing and ventilation. I am satisfied that these measures will ensure noise from the appeal site is kept to a minimum. Moreover, noise from vehicles entering and exiting the site will also be limited given that there are no standard parking spaces provided within the site.
40. Concerns were also raised that occupiers would gather around the pond in Falmer during the warmer, sunny days, thereby creating noise and disturbance to local residents. However, no substantive evidence has been provided that this would occur. In any event, there are other mechanisms to control disorderly behaviour.

### **Conditions**

41. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the Planning Practice Guidance. The appellant has confirmed in writing that, in accordance with the Regulations<sup>12</sup>, they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information

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<sup>12</sup> The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

- required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development. I have amended the wording of some of the conditions in the interest of precision and clarity. I have also removed the "tailpiece" to those conditions which have used one as they are inappropriate and can be used to avoid other statutory processes.
42. Along with the standard time condition (1), it is necessary in the interest of certainty to specify the plans on which the development shall be carried out (35). In the interest of the visual amenities of the area, samples of the materials to be used for the development (31) shall be submitted to and approved in writing with the Council.
  43. In the interest of highway safety, the access serving the site shall be provided (2) before the development is occupied. This access shall not be used until such time as the appropriate visibility splays have been constructed (3). Before development commences, it will also be necessary in the interest of highway safety, to provide a highway scheme including footway provision, pedestrian crossing points, bus stops, and infrastructure details (4) to be approved by the Council. Parking details (5) will also be required to be submitted and approved by the Council. The size of parking spaces shall be of an appropriate size (6).
  44. Details of proposed roads, streetlighting and surface water drainage (8) shall also be agreed with the Council in the interest of highway safety and public convenience. Importantly, to prevent congestion on the A27 the development must be carried out in accordance with the submitted Changeover Transport Management Plan (10). In the interest of highway safety and the living conditions of surrounding occupiers, a Construction Management Plan (11) also needs to be submitted and approved by the Council, detailing such matters as means of access during construction, storage of materials on site, parking of operative's vehicles, and the loading and unloading of plant and materials.
  45. In the interest of promoting sustainable development and to ensure that the site is accessible by non-car modes, cycle parking (7) shall be provided in accordance with a scheme agreed with the Council. A Travel Plan (9) shall also be agreed with the Council to achieve similar aims. The development shall also be carried out in accordance with the energy saving and carbon reduction measures (32) as agreed with the Council.
  46. In order to protect the landscape character and amenity of the area, the trees to be retained on the site shall be protected in accordance with the Tree Protection Plan (12) submitted in support of the application. Details of boundary treatments, including security measures, (25) and a landscaping scheme (26) shall be submitted to and approved by the Council. A landscape and ecological maintenance plan (27) shall also be submitted to the Council for its consideration.
  47. Furthermore, in the interest of the living conditions of adjoining occupiers, details of the installation of plant and machinery, along with acoustic specifications (21), and details of any external lighting (22) shall be submitted and agreed with the Council. Additionally, to ensure that the living conditions of future occupiers is acceptable, the development shall be carried out in full compliance with the acoustic specifications for glazing, ventilation, and building facades (23) and designed in accordance with the guidance on sound insulation

- and noise reduction for buildings (24). The hours of construction shall also be controlled (33) to protect the living conditions of adjoining occupiers.
48. In the interest of protecting human health, no development shall take place until a remediation strategy to deal with the risks associated with contaminated land (13) has been submitted to and approved by the Council. A verification report demonstrating completion of works set out in the remediation strategy (14) is also required. During construction, any contamination not previously identified shall require the development to cease until such time as a remediation strategy to deal with such contamination (15) has been agreed with the Council.
49. In order to protect ground waters, no drainage systems for the infiltration of surface water will be permitted (16). To ensure that the water is managed effectively, a surface water scheme (17) shall be submitted to the Council for approval. A maintenance scheme for the entire drainage system (18) shall also be submitted to the Council for its approval and evidence that the drainage system has been constructed in accordance with the final agreed drainage details (19). The appellant must also demonstrate that the construction programme is aligned with the delivery by Southern Water of any foul water network reinforcement as may be required (20).
50. To ensure that any adverse environmental impacts of the development are mitigated, the appellant shall submit a Construction Environmental Management Plan (28) to the Council for its approval. To protect and record any archaeology that may exist on the site, a programme of archaeological works shall be carried out in accordance with a written scheme of investigation (29) to be agreed with the Council. An archaeological site investigation and post-investigation assessment (30) shall also be completed and approved by the Council. In order to control the future use of the building, the offices provided shall only be used as ancillary to the approved residential use (34).

### **Conclusion**

51. I have found that the development would not harm the character and appearance of the area, the setting of the SDNP, nor conflict with the Dark Skies Policy of the SDNP, and would preserve the setting of all the designated heritage assets in the vicinity. There is also support through the Framework for the re-use of under-utilised land, especially where this would meet a need for housing where land supply is constrained, which includes building on car parks.
52. Therefore, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is allowed.

*Graham Wyatt*

INSPECTOR

## **APPEARANCES**

### **For the Appellant**

Megan Thomas KC ~ Counsel for the Appellant

*She Called*

Mike Ibbott MA MPhil MBA MRTPI PIEMA  
Kevin Murphy B.Arch MUBC RIBA IHBC  
Paul Scott BA(HONS) DipArch (Brighton) RIBA  
Andrew Smith BSc (Hons), MSc, CMLI

### **For the Council**

Rowan Clapp ~ Counsel for the Planning Authority

*He Called*

Nick Harper BA (Hons) DipLA (Hons) CMLI (95)  
Peter Rainier BSc (Hons) BTP MRTPI

### **Interested Parties**

Gillian Burt ~ Local Resident  
Andrew Pearce ~ Falmer Parish Council  
Jacqueline Whitford ~ Local Resident  
Melanie Cutress ~ Falmer Parish Council

### **Additional Documents**

Opening and Closing Statements ~ Megan Thomas KC and Rowan Clapp  
Landscape Buffer Planting at ACS ~ A4 Drawing  
Planning Statement for Hotel at ACS ~ August 2015  
South Downs National Park Authority Landscape Capacity Study, September 2012

## Conditions

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing or any approved drawing superseding it. The access shall be permanently retained as approved thereafter.
3. The access onto The Drove shall not be used for vehicular traffic until visibility splays measuring 2.4m x 100m to the north and 2.4m x 120m to the south are provided. Thereafter the visibility splays shall be retained.
4. No development shall commence until such time as a technically accepted highway scheme including; footway provision, pedestrian crossing points, bus stops and infrastructure and details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted and retained thereafter.
5. The development hereby permitted shall not be occupied until parking areas have been provided in accordance with the approved plans/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.
6. The proposed parking spaces shall measure at least 3.6m by 5m (or 5.5m where spaces abut walls).
7. The development hereby permitted shall not be occupied until cycle parking areas have been provided in accordance with the approved details and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
8. Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority, and approved in writing. The development shall be implemented in accordance with the approved details and retained thereafter.
9. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement once approved shall thereafter be implemented as specified within the approved document. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
10. The development hereby permitted shall not be first occupied otherwise than in accordance with the Changeover Transport Management Plan (CTMP) as submitted with the application and dated 16 December 2021.

Thereafter the operation of the development shall proceed in strict accordance with the approved CTMP.

11. 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,
  - 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,
  - 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),
  - details of public engagement both prior to and during construction works.
  - demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
  - details of the use of protective fences, exclusion barriers and warning signs;
  - 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.
  - Site waste reduction and management plan.
12. Prior to the commencement of the development hereby permitted, all trees to be retained shall be protected in accordance with the submitted Tree Protection Plan (Treework Environmental Practice drawing 220224-1.2-FRB-TPP-SzM, February 2022). 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.
13. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to

deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

- a) Additional site investigation scheme, based on preliminary investigations already undertaken (see Card geotechnics Ltd report dated January 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
14. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
15. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy 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.
16. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
17. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details and retained thereafter.
18. A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority prior to occupation to ensure the designed system takes into account design standards of those

responsible for maintenance. The management plan shall cover the following:

This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

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 shall thereafter remain in place for the lifetime of the development.

19. Prior to occupation of the development evidence (including photographs) shall be submitted to and agreed in writing by the Local Planning Authority showing that the surface water drainage system has been constructed as per the final agreed detailed drainage designs.
20. Prior to any works above slab level, details shall be submitted to and approved in writing by the local planning authority to demonstrate that the construction programme is aligned with the delivery by Southern Water of any foul water network reinforcement required to accommodate the additional flows from the development, and any such works shall be completed prior to occupation and retained thereafter.
21. Prior to the installation of any plant, apparatus or machinery within the site, full acoustic specifications shall be submitted to and agreed in writing by the Local Planning Authority and the plant/apparatus shall thereafter be installed and maintained in accordance with those approved details throughout the lifetime of the development.
22. Prior to first occupation of the development hereby permitted, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.
23. The development hereby permitted shall be carried out in full compliance with the acoustic specifications for glazing, ventilation and building façades set out in the submitted Environmental Noise Assessment (December 2021) and retained thereafter.
24. All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

Daytime Noise (07:00 – 23:00):

Living rooms and bedrooms – 35 dB LAeq (16hr)

Night time Noise (23:00 – 7:00):

Bedrooms – 30 dB LAeq (8hr)

A test shall be carried out prior to the discharge of this condition to show that the required noise levels have been met and the results submitted to the Local Planning Authority for approval in writing.

25. The development shall not be occupied until details of all boundary treatments and other means of enclosure along with a full package of security measures, with reference to Secured by Design Homes Version 2 (2019), have been submitted to and approved in writing by the Local Planning Authority and have been installed in accordance with the approved details. All measures shall thereafter be retained throughout the lifetime of the development.
26. No development above slab level shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- Details of all hard surfacing.
  - Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site),
  - Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees,
  - Proposed and existing levels and contours,
  - Layout of surfaces including materials, permeability, kerbs, edges, steps, ramps,
  - Drainage proposals including gullies, surface covers, surface water channels, surface levels & falls,
  - Street furniture including lighting, bollards, seating, signage, litter bins, cycle storage, tree grills/surface treatment and guards,
  - Any ancillary structures,
  - Ecological enhancements and at least 10% Biodiversity Net Gain (in accordance with amended BNG Assessment Revision 4, May 2023).

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

27. Prior to the occupation of the development hereby permitted a landscape and ecological management plan, including the management objectives and responsibilities and maintenance schedules for a minimum of five years for all the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved.
28. 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:

- risk assessment of potentially damaging construction activities,
- identification of "biodiversity protection zones",
- 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),
- the location and timing of sensitive works to avoid harm to biodiversity features,
- the times during construction when specialist ecologists need to be present on site to oversee works,
- responsible persons and lines of communication,
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person,
- use of protective fences, exclusion barriers and warning signs.

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

29. No development shall take place until the developer 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.
30. Prior to first occupation of the development hereby permitted the archaeological site investigation and post – investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) shall be completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post – investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 29.
31. No development above slab level shall take place until full details of all external materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the submitted details.
32. The development hereby permitted shall be carried out in full compliance with the energy saving/carbon reduction measures set out in the submitted Energy Strategy (8 February 2022) and retained thereafter.
33. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Public Holidays.
34. The offices and staff areas hereby approved shall be used as ancillary to the approved residential use only and shall not accommodate a separate independent use at any time.

35. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site location plan S5397 F0001 rev I1
- Existing site plan S5397 F0010 rev I1
- Existing contextual elevations N and S S5397 F0310 rev I1
- Existing contextual elevations E and W S5397 F0311 rev I1
- Existing site elevations S5397 F0312 rev I1
- Proposed site plan S5397 D0010 rev I1
- Proposed GA GF S5397 D0100 rev I1
- Proposed GA 1F S5397 D0101 rev I1
- Proposed GA 2F S5397 D0102 rev I1
- Proposed GA 3F S5397 D0103 rev I1
- Proposed GA 4F S5397 D0104 rev I1
- Proposed GA 5F S5397 D0105 rev I1
- Proposed GA roof level S5397 D0106 rev I1
- Proposed building sections AA and BB S5397 D0200 rev I1
- Proposed building elevations N and S S5397 D0300 rev I1
- Proposed building elevations East Wing E and W S5397 D0301 rev I1
- Proposed building elevations West Wing E and W S5397 D0302 rev I1
- Proposed contextual building elevations N and S S5397 D0310 rev I1
- Proposed contextual building elevations E and W S5397 D0311 rev I1
- Proposed site elevations S5397 D0312 rev I1
- Proposed 3D views 1 S5397 D0400 rev I1
- Proposed 3D views 2 S5397 D0401 rev I1
- Proposed 3D views 3 S5397 D0402 rev I1
- Landscape masterplan (Open) M10389 L100
- Landscape GA (Open) M10389 L200
- Tree protection plan (Treework Environmental Practice) 220224-1.2-FRB-TPP-SzM

**End.**