



Appeal Decision

Hearing held on 9 January 2024

Site visit made on 10 January 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2024

Appeal Ref: APP/P1425/W/23/3319706

Land to the South of The Broyle, Ringmer, Lewes

- 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 BoKlok Housing Ltd against the decision of Lewes District Council.
 - The application LW/22/0282 dated 14 April 2022, was refused by notice dated 16 December 2022.
 - The development proposed is the erection of 70 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 70 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works at Land to the South of The Broyle, Ringmer, Lewes in accordance with the terms of the application, Ref: LW/22/0282, dated 14 April 2022, subject to the conditions in the attached schedule.

Background and Main Issues

2. Planning Permission was refused for three reasons. The Council withdrew the first reason, pertaining to whether the proposed development would be car dominated, early in the appeal proceedings. The third reason for refusal, relating to flood risk, was withdrawn at the start of the hearing as the Council considered that this could be addressed by conditions. For reasons that I shall go into, I agree with the conclusions reached in these instances.
3. Therefore, the main issues relevant to this appeal are:
 - whether the proposed development would be in a suitable location, with reference to the spatial strategy in the development plan; and
 - the effect of the development on the character and appearance of the area.

Reasons

Spatial Strategy

4. The Lewes District Local Plan Part 1 Joint Core Strategy (2016) (the Core Strategy) is an over-arching document that seeks to deliver housing in the

district based upon matters including evidenced need and a sustainability appraisal. This is achieved through identifying some settlements and sites in the district that can accommodate new housing provision to meet the strategic objectives of the Core Strategy.

5. In consequence, Policy 2 of the Core Strategy identifies several settlements for future housing growth. The policy does not identify Broyleside as one of these locations. Moreover, it goes on to limit new housing development in settlements not listed in the policy to affordable housing that meets a local need on exception sites or infill developments within the settlement boundary.
6. In addition, a supporting table (Table 2) of the Core Strategy suggests that in settlements such as Broyleside, development would be limited to between 10 and 30 dwellings. The figures cited in this table are based, in part, upon a settlement's current attributes and sustainability.
7. Furthermore, Policy DM1 of the Lewes District Local Plan Part 2 (2020) (the Local Plan) states that developments outside of settlement boundaries will be granted planning permission in instances where it is consistent with a specific development plan policy or where the need for a countryside location is demonstrated. The supporting text to the policy gives examples including renewable energy and schemes to support the rural economy. Therefore, a proposal would be at odds with Policy DM1 if, by its nature, it is not the type of proposal that inherently needs a countryside location.
8. The proposed development would not represent development in a settlement boundary. In addition, the proposal would not be a rural exception site or adhere to the allocation set out in Policy 7.10 in the Neighbourhood Plan, which allocates site RES25 for housing. Furthermore, the proposed development would not be an infill inside the settlement boundaries, and it would not be the type of countryside development envisaged by Policy DM1. Moreover, the proposal would exceed the 30 homes limit. These factors mean that the proposal would conflict with Spatial Policy 2 and Policy DM1 of the Core Strategy and Local Plan.
9. Policy 6.3 of the Neighbourhood Plan is clear that all new proposals for development within or extending the village planning boundaries should respect the village scale.
10. Although Policy 6.3 offers some potential support for developments outside of a settlement boundary, a proposal should nevertheless respect the scale of the village. In this case, the proposal is for the provision of 70 dwellings. Given the existing scale of Broyleside, this is a substantial increase. Accordingly, the appeal scheme would not adhere to Policy 6.3 of the Neighbourhood Plan.
11. In addition, part of the appeal site is identified in the Neighbourhood Plan as being a location for a community woodland as part of the allocation of a neighbouring site (referred to as RES11). The proposal would not deliver this. However, this area has been kept predominantly free from development and would feature landscaping. Therefore, the community woodland area would feature an open and verdant setting. This means that the harm arising from not including the planned community woodland would be moderately adverse.
12. In conclusion, the appeal site would not be a suitable location for the proposal when applying the spatial strategy in the development plan, which is a carefully

drafted and considered statement of policy. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Character and appearance

13. The appeal site consists of an undeveloped field adjacent to the small village of Boyleside. Much of the appeal site is located outside of the defined settlement boundary apart from a small area to the west allocated for housing under Policy RES25 of the NP. The site fronts onto The Broyle with several trees providing a strong and discernible boundary. The rear of the site is relatively open and is near to Round House Road and a small community woodland. The wider area to the north and east encompasses a rural field network which the appeal site is viewed as part of.
14. In addition to Round House Road (which was delivered as part of allocated site RES11 in the Neighbourhood Plan), planning permission has previously been granted on land to the west of the appeal site for a residential development (APP/P1425/W/23/3318089). One reason why this development was permitted was that the scheme would provide an edge to the built-up area of Broyleside. The current appeal scheme would project beyond this development into the countryside beyond. Similarly, site RES25 is inside the settlement boundary. However, the appeal scheme would encompass a much larger area than the allocated site which would project further into the rural landscape.
15. When moving east along the B2192 and passing the industrial estate and the approved and allocated development identified above, the prevailing sense is being in open countryside, with limited levels of development. The proposal would erode this character due to the increased built form and the suburban layout of the development. It would not appear as an infill or natural rounding off. This would result in the proposal being an incongruous projection into the countryside beyond the village to the detriment of the character of the rural landscape.
16. Moreover, the discordant nature of the development would be compounded by its size relative to the modest scale of Broyleside.
17. However, the Lewes District Council and South Downs National Park Landscape Capacity Study September 2012 identifies the appeal site as having a 'high capacity' for development in landscape and visual terms. Therefore, the appeal site is not of a great level of sensitivity and does not make a large contribution to the definition of the character of the wider landscape.
18. The scale of development has been limited to no more than two storeys in height which lessens the impact. These dwellings also feature front elevations that face the north and eastern boundaries, which creates architectural interest and a positive interface with the open countryside.
19. Furthermore, the appeal site is contained due to the existing hedged boundaries. This would be supplemented by the proposed landscaping. Therefore, when these matters are factored in the proposal overall would have a moderate adverse effect on landscape character.

20. Turning to visual impacts, it was established at the hearing that the development would be predominantly experienced from The Broyle and the areas to the rear of the site, including Round House Road.
21. The boundary of the appeal site with The Broyle features several trees. The majority of these would be retained following the implementation of the development. However, the screening effect would be relatively limited as the development would be viewable at its entrance and there would be glimpsed views elsewhere.
22. The proposal includes new landscaping, but its positioning means that it would not be able to mitigate the effects arising from the proposed access. In addition, such landscaping would take time to mature. In result, its inclusion would not completely mitigate the adverse effects as the development would remain perceptible.
23. The development would include alterations to the highway. Whilst these may not be visible from vantage points further away, at the point where they would be installed, they would create a suburban character.
24. However, there are no pavements adjacent to the appeal site along The Broyle and this indicates that those travelling past the site are likely to be within vehicles and moving at reasonable speeds. This reduces their sensitivity to change. Moreover, these views would be obscured by existing and proposed landscaping located near to the boundary with The Broyle. In consequence, views of the development would be filtered and for short durations.
25. Approaching Broyleside, the proposal would be viewed alongside a backdrop of buildings, including the industrial estate and a similarly designed residential development. Therefore, the development would not represent a significant change from this viewpoint. These factors, when combined, would mean that there would be only a moderate degree of visual harm from the B2192 arising from the proposal owing to the reduced level of prominence.
26. Parts of the development would be viewable from the junction of The Broyle with Half Mile Drove, although views would be interrupted by the significant landscaping that is present between this viewpoint and the appeal site. This would give rise to a limited adverse effect upon the character of the area.
27. Views from Round House Road and the nearby woodland are currently of a predominantly open and undeveloped landscape, with limited views of surrounding existing developments. This demonstrates the increased built form would be clearly visible. However, the effect would be largely mitigated by the fact that the RES11 allocation includes a portion of land adjacent to the appeal site. This may come forward for future development. Furthermore, the appeal scheme features landscaping that would reduce views of the proposed housing.
28. In addition, there is a path that runs from the woodland towards the appeal site. Views from this path are mainly of a rural landscape. The more urbanised and domestic form of the proposed development would erode this character. These effects are reduced, by areas of the development nearest to these viewpoints featuring landscaping. This means the effect of the development on these locations would be moderately adverse.

29. These effects would arise even if all the other developments in the surrounding area that have been permitted come forward. This is due to the design and layout of the appeal site and the site's enclosed nature.
30. In conclusion, the proposed development would have a moderate adverse effect upon the landscape character and visual amenity of the appeal site and surrounding area. The development would conflict with the requirements of Policy DM1 of the Local Plan; and Policy 6.3 and Section 9 of the Ringmer Neighbourhood Plan (2015). Amongst other matters, these seek to ensure that developments protect the distinctive character and quality of the countryside; respect the village scale; and control Broyleside's perimeter.

Other Matters

31. At the hearing it was suggested that notwithstanding the Council's withdrawal of the first reason for refusal, the proposed development would be car dominated. However, the completed Legal Agreement includes the provision of bus stops and improvements to local bus services.
32. Although existing services may not be very frequent and bus stops not be large in number, there is a mechanism before me, which would ensure that there would be enhancements over existing levels. This means that occupiers of the proposed development would have alternatives other than private cars for travel and there would be genuine choices in the methods of travel.
33. The proposed development also features a new pavement. Most local services are in nearby Ringmer and the existing pavements are unlit. Nonetheless, this provision would allow for connections to the wider network. Accordingly, some journeys on foot can be anticipated during periods of good weather and light.
34. Services in Broyleside are of a level expected in a small settlement and car ownership is relatively high. However, the development would not be car dominated owing to the enhanced public transport and pavement provision in addition to cycle storage provision.
35. In respect of flood risk, the evidence before me indicates that the concerns raised by the Lead Local Flood Authority (LLFA) can be addressed by conditions relating to the design, implementation, and management of the drainage system. It is incumbent upon decision makers to ascertain whether a development could be made acceptable using conditions. As such conditions would ensure the provision of adequate drainage, I do not believe this matter requires further consideration.
36. The appellant has confirmed that they have held discussions with the LLFA which confirmed the nature of the planning application. In consequence, the proposed development would give rise to an adverse effect upon flood risk.
37. The submitted evidence indicates that the statutory undertaker for foul drainage has confirmed that there is sufficient capacity in the system to accommodate the needs of the proposed development.
38. My attention has been drawn to dismissed appeal decisions at sites in the locality. Nevertheless, there are notable differences between these proposals and the scheme before me. These includes differences in scale, effects on a National Park and would lead to coalescence of settlements. This means that the findings in the previous appeals are not directly applicable to this proposal.

Legal Agreement

39. A completed Legal Agreement was submitted at the Hearing. The Council confirmed that this has been signed by all relevant parties. Amongst other matters, this secures the provision of 40% of the development for occupation on affordable tenures in line with the Council's Policies. The affordable housing would also be secured on a variety of tenures. This means that the development would respond to the need to provide housing to meet the needs of all in the community.
40. In addition, the Agreement secures improvements to public transport and the highway, and a travel plan. These matters are necessary to ensure that the proposed development is not car dominated and does not erode highway safety. To provide appropriate living conditions for the future occupiers of the development, the legal agreement will secure recycling collections.
41. The Legal Agreement does not secure a financial contribution towards education provision, although at the hearing, it was confirmed that this would be secured through the payment of CIL.
42. As discussed previously, a benefit of the development is the delivery of biodiversity improvements. As some of these may be delivered off-site, it is also necessary that these are secured in the legal agreement.

Conditions

43. In addition to the conditions previously discussed; a condition specifying the approved plans is necessary, in addition to a condition covering the implementation of the development. This condition specifies that development should commence within two years from the date of the permission. This is to coincide with the appellant's intentions.
44. To maintain highway safety, conditions in respect of internal road construction, visibility splays and access gradients are required.
45. To minimise the adverse effect upon the character of the surrounding area, a condition regarding tree protection measures; materials; external lighting; and the agreement and implementation of landscaping are appropriate.
46. Given the proximity of the development to residential accommodation, a condition securing a Construction Management Plan (CMP) is necessary. This would cover items such as the hours when construction takes place; parking; and wheel washing.
47. The draft wording of this condition suggests the CMP should include means for the routing of HGVs. As the proposed dwellings would be constructed in modular form and then transported to the site, such a condition is necessary. In addition, transport would be in the control of the developer. Given that the CMP includes a condition regarding construction hours, a separate condition covering this is unnecessary.
48. To ensure appropriate living conditions for the future occupiers and to prevent adverse effects on the environment, conditions regarding the provision of electric car charging points; contamination; soil importing; air quality; earthworks; noise levels and mitigation; play areas; environmental sustainability; and solar panels are necessary and reasonable.

49. The appeal site may contain items of archaeological interest. This means a condition should be imposed to ensure that such matters are suitably investigated prior to the implementation of the development.
50. The Council has suggested a condition removing future permitted development rights. However, the Framework states that conditions should not restrict national permitted development rights unless there is clear justification. There is no compelling evidence that suggests the construction of permitted development, which may be relatively modest in scale, would give rise to any greater adverse effects than I have previously identified. Therefore, such a condition is required.
51. Some of the items secured by these conditions may require works to be conducted an early stage, several require details to be agreed prior to the first implementation of the development.

Other Considerations

52. The proposal would conflict with the Development Plan taken as a whole. It is a requirement that planning decisions be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore incumbent upon me to ascertain whether there are other matters, to which I must have regard.
53. The Council cannot demonstrate a five-year housing land supply. Consequently, the provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) apply as a material consideration. This states that, in this instance, 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.
54. There is some debate as to the current precise level of the housing shortfall. At the hearing, estimates of 2.39 and 3.18 years were made. Even if I were to agree with the estimate of 3.18 years, I would find that the level of housing supply falls significantly below the required five-year level. This situation is compounded by the long-standing nature of the shortfall. This can be demonstrated through the Lewes District Council's Five-Year Housing Land Supply Statement, which shows that there has been a consistent, and notable, under-supply since 2021.
55. Although preparation of a new local plan has been referenced in the appeal documentation, this is at an early stage in preparation. I have not been referred to any emerging policies or site allocations that might ensure the provision of an appropriate housing land supply.
56. To ensure the development contributes to address housing supply in the short term, the appellant has agreed that a condition could be imposed to require the commencement of development within two years from the date of the permission, rather than the conventional three-year period. Additionally, the dwellings would be constructed using modular methods. This signifies that the construction process would be shorter than dwellings constructed using alternative methods. When taking the above points together, I afford the contribution the proposed development would make to addressing the housing shortfall great weight.

57. In addition, the completed legal agreement would ensure that the proposed development would include a policy compliant level of affordable housing of 40% of the total development. The appeal scheme means that the Rural Exception site can no longer be developed for its originally intended function, but the overall level of affordable housing would be greater. In addition, as part of the Legal Agreement, the Council would agree to the process in which nominations for the affordable housing would be assessed.
58. Therefore, if required, the Council could ensure that the affordable housing would respond to local need in the surrounding area. Therefore, owing to its inclusion in the development, the delivery of affordable housing also carries significant weight.
59. Biodiversity and ecology improvements would be delivered as part of the implementation of the development, some of which may be delivered off-site, and secured through the Legal Agreement. This means that the benefits may not be experienced in the locality of the appeal site meaning that this carries a moderate amount of weight.
60. The construction process and occupation of the development would generate some economic benefits. However, some of these are likely to be time-limited in duration. Furthermore, due to the offsite nature of much of the construction methods, some of these benefits would not be experienced in the locality of the appeal site. In consequence, these carry a limited amount of weight.
61. The proposed development would include a play area and open space. Whilst these may be used by existing residents, the location of the appeal site means that there may be more convenient alternatives. In consequence, this matter carries a limited amount of weight.
62. Cumulatively, the benefits arising from the proposed development carry great weight. In contrast, I give the moderate adverse effects that would arise to the character and appearance of the surrounding area, a moderate amount of weight. In reaching this view, I have had regard to the appeal site not being part of a valued landscape and that aspects would recognise the intrinsic character and beauty of the countryside, namely the set back from the eastern boundary. Owing to the good quality of the design and layout of the proposed development, the appeal scheme would not conflict with the requirements of Paragraph 139 of the Framework.
63. In addition, the harm arising from the breach of the spatial strategy would carry a moderate amount of weight. This is because, if I were minded to give this matter a greater amount of weight, it would frustrate efforts to remedy the shortage of housing in the locality. Accordingly, the combined adverse effects arising from the proposed development carry a moderate amount of weight.
64. I conclude that the moderate adverse effects that would arise from the granting of planning permission would not significantly and demonstrably outweigh the benefits. In result, in line with the provisions of Paragraph 11(d) of the Framework, planning permission should be granted.

Planning Balance and Conclusion

65. Although the proposed development would generate moderate harm to the character and appearance of the surrounding area and breach the spatial strategy. It would therefore be at odds with the development plan. However,

material considerations, namely the Framework, indicate that the proposal should be determined otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be allowed; and planning permission granted subject to conditions.

Benjamin Clarke

INSPECTOR

APPEARANCES

For the appellant:

Melissa Murphy KC	Instructed by BoKlok Housing Ltd
Gerald Guma	Odyssey
Anna Harper	BoKlok Housing Ltd
Sam Sykes	ECE Planning

For the Local Planning Authority:

Rowan Clapp	Instructed by Lewes District Council
Martin Carpenter	Enplan
Joanne Stone	Lewes District Council

Interested parties:

Cllr Emily O'Brien	Lewes District Council
Linda Grange	Local resident
John Kay	Local resident
Eleanor Robins	Local resident
John David Robins	Local resident

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: TBR-ECE-XX-XX-DR-A-SL-5010-P03 ; TBR-ECE-XX-XX-DR-A-SL-5012-P07; TBR-ECE-XX-XX-DR-A-XX-5013-P03; TBR-ECE-XX-XX-DR-A-SL-5015-P03; TBR-ECE-T01-ZZ-DR-A-XX-5101-P03 TBR-ECE-T02-ZZ-DR-A-XX-5102-P03; TBR-ECE-T03-ZZ-DR-A-XX-5103-P03; TBR-ECE-T04-ZZ-DR-A-XX-5104-P03; TBR-ECE-T05-ZZ-DR-A-XX-5105-P03; TBR-ECE-T06-ZZ-DR-A-XX-5106-P03; TBR-ECE-T07-ZZ-DR-A-XX-5107-P03; TBR-ECE-T08-ZZ-DR-A-XX-5108-P03; TBR-ECE-T02-ZZ-DR-A-XX-5109-P03; TBR-ECE-T09-ZZ-DR-A-XX-5110-P02; TBR-ECE-XX-XX-DR-A-EL-5120-P03; TBR-NTA-XX-XX-DR-L-PL-0501-P06; TBR-NTA-XX-XX-DR-L-PL-0502-P05; 06121-GA-001-P10; 06121-GA-0014-P1; TBR-ECE-XX-XX-DR-A-SL-5014-P03; and TBR-ECE-XX-XX-DR-A-SL-5018-P01.
3. 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 street lighting to be provided and timetable for implementation shall be submitted to the Local Planning Authority and approved in writing. Development shall be carried out in accordance with the approved details and shall be retained thereafter.
4. No part of the development shall be first occupied until visibility splays of 2.4 metres by 215 metres in both directions have been provided at the junction of the access with The Broyle (B2192) in accordance with the approved plans and retained thereafter. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
5. Prior to the commencement of development, full details of pedestrian visibility splays at the access works have been submitted to and approved in writing by the Local Planning Authority. The splays shall be provided prior to the first occupation of the development and shall be retained thereafter.
6. The development shall not be occupied until cycle 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 cycles.
7. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment (19/10/2022) ref 11072 rev2 which includes details of the measures to protect trees to be retained on and adjacent to the site. The approved tree protection measures shall be implemented prior to commencement of development and thereafter retained until completion of the development. No vehicles, plant or materials shall be driven or placed within root protection areas.
8. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9).
9. 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 include:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of HGVs 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 and utilisation of wheel washing facilities;
- details of public engagement both prior to and during construction works;
- details of measures to prevent surface water flooding during construction works;
- hours of working;
- demonstration that such means to mitigate the impact of noise and vibration from construction activities have been adopted;
- 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; and Details of any external lighting.

10. Notwithstanding the submitted landscape details, prior to completion of any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have 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; and
- ecological enhancements and Biodiversity Net Gain.

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.

11. Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each dwelling as well as for 20% of the visitor parking bays in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall be retained thereafter.

12. Prior to the first occupation of any part of the development hereby approved, secure bin and cycle storage facilities shall be installed in accordance with details to

be submitted to and approved by the Local Planning Authority and shall be retained in place thereafter.

13. Prior to any above ground works, full details of external finishes and materials shall be submitted to, and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14. 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 and verification report should be submitted to the Local Planning Authority

15. No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the Local Planning Authority.

16. 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.

17. The development hereby permitted shall not 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 will be undertaken in accordance with the programme set out in the approved written scheme of investigation.

18. Prior to the first occupation of the development, an external lighting strategy, including a timetable for implementation, shall be submitted to, and approved in writing, by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

19. Prior to the first occupation of any part of the development hereby approved all relevant mitigation measures set out in section 6 of the accompanying Air Quality Assessment April 2022 ref: 11072 relating to that part of the development shall be in place and operable. Following completion of the development all mitigation measures set out in section 6 of the Air Quality Assessment April 2022 ref: 11072 shall be retained in place thereafter.

20. Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing

vegetation and neighbouring development. Development shall be carried out in accordance with the approved details and retained thereafter.

21. Notwithstanding the submitted drainage strategy, development shall not commence (save for enabling works to be agreed in writing by the Local Planning Authority) until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be retained as approved thereafter.

Surface water discharge rates should not exceed greenfield runoff rates for all rainfall events, including those with 1 in 100 (plus allowance for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.

The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The detailed design of the flood attenuation area should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

Prior to occupation of the development, evidence (including drainage survey, topographic survey, photographs and site records as necessary) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

22. A maintenance and management plan for the entire drainage system should be submitted to, and approved in writing by, the Local Planning Authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should 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, and the appropriate authority should be satisfied with the submitted details.
- b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

23. The approved drainage system scheme shall be carried out or supervised by an accredited person. The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved and retained thereafter.

Prior to occupation of the development, evidence (including photographs) should be 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.

24. No part of the development shall be occupied until the acoustic fence has been installed in the locations shown on the approved plans at Figure 3 of the Noise Assessment (April 2022 R001 V2) in accordance with a full specification which is to be submitted to and approved by the Local Planning Authority. The fencing shall thereafter be retained in accordance with the approved details throughout the lifetime of the development.

25. All dwellings 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)

Outdoor Amenity – 55 dB Laeq (1hr)

NIGHTTIME NOISE (23:00 – 7:00)

Bedrooms – 30 dB Laeq (8hr)

26. Prior to the first occupation of the development hereby approved, the children's play areas shall be provided along with seating for adults in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The play areas shall be provided in accordance with the agreed details and retained thereafter.

27. Prior to the occupation of the residential dwellings hereby approved, plans and specifications for the solar panels proposed for plots 4, 26 – 34 and 40 – 44 shall be submitted and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the approved details prior to the first occupation of the development and shall be retained thereafter.

28. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include full details of all renewable/carbon saving/energy (including vehicle charging points) and water efficiency measures to limit consumption to 110 litres per person per day to be incorporated into the scheme. All measures approved shall thereafter be provided prior to the occupation of any individual dwelling and retained in place thereafter throughout the lifetime of the development.