



Appeal Decision

Site visit made on 7 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/X3540/W/24/3352886

Land at Keightley Way, Tuddenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Bennett Homes and W and M Pipe against East Suffolk Council.
 - The application Ref is DC/22/3748/FUL.
 - The development proposed is residential development for 25no. new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for 25no. new dwellings at Land at Keightley Way, Tuddenham, IP6 9BJ in accordance with the terms of the application, Ref DC/22/3748/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Correspondence between the main parties confirmed that the application was being made by those named in the banner heading and so are the appellants. I have used the address from the appeal form as it more accurately describes the location of the site.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) and updated Housing Delivery Test results were published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers.

Background and Main Issues

4. The appeal is against the non-determination of the application. The Council has provided a statement which sets out one putative reason for refusal with respect to pedestrian safety.
5. The site is located within Zone of Influence B as set out in the Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (May 2021) (RAMS SPD). The proposal therefore has the potential to affect the integrity of a number of sites designated under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). As the competent authority I must consider whether the proposal would be likely to have a significant effect on the integrity of the relevant sites.

6. Three completed planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) have been submitted which together seek to address off-site highway improvements, school transport, education, affordable housing, public open space, and ecological mitigation.
7. In light of the above, the submitted statements and representations, and my observations at my site visit, the main issues are:
 - whether the proposed development would have an acceptable effect on highway safety;
 - the effect of the proposed development on the integrity of habitats sites; and
 - whether the contributions sought are reasonable and necessary to make the development acceptable.

Reasons

Pedestrian and Highway Safety

8. The appeal site is allocated by Suffolk Coastal Local Plan (23 September 2020) (LP) Policy SCLP12.66 for the development of approximately 25 dwellings. It sets out five criteria to be directly addressed through proposals for the site. None of these require any offsite highways work to be carried out.
9. LP Policy SCLP3.5 sets out the approach to infrastructure provision. It confirms that developers must consider the infrastructure requirements needed to support and service the proposed development and sets out the anticipated types of infrastructure requirements. Relevant to this site, the Infrastructure Delivery Framework in Appendix B of the LP identifies (amongst other things) the need for access, footway and Public Rights of Way (PRoW) improvements and that there is an essential/ critical need for this. Appendix B confirms that critical infrastructure is that without which a development physically cannot take place, while essential infrastructure is that where development could take place without it being delivered, but its sustainability would be undermined. There is no evidence before me, nor did I observe anything at my site visit that would indicate the need for access improvement works would physically prevent this development from going ahead.
10. Taken together, these two policies clearly establish what is to be expected from development proposals for the site and there is no requirement for any additional supporting evidence beyond that expected of any development proposal. While Tuddenham has expanded over time, there is nothing before me to suggest there have been so many dwellings constructed since the LP was adopted that the highway conditions have materially changed and further assessment would be necessary. LP Policy SCLP7.1 does not require a Transport Assessment or a Transport Statement for development of this scale and I have no reason to reach a different conclusion.
11. There was notable on-street parking at the time of my site visit on a weekday afternoon. Pedestrians therefore have to walk in the road to access the church, public house and bus stops in the village. The proposal would be likely to result in an increase in both pedestrians and vehicles using High Street. It is not in dispute that there is a circa 70m length of High Street where there is no pedestrian footpath and that this would be the route for future occupiers of the proposed

development to access many of the services and facilities in Tuddenham. It is also not in dispute this was the situation at the time the LP was adopted.

12. There is no direct reference in the LP as to where the access improvement contribution is to be spent. Nonetheless, it was identified as a specific contribution in the adopted development plan. Several options as to how these improvements could be delivered are set out in the evidence before me. I have been provided with emails involving internal correspondence between officers of SCC, between both Councils, and the appellant. These are not unusual illustrations of the type of frank conversation that are sometimes necessary during consideration of proposals. The final position of all parties is as set out in the written evidence to the appeal.
13. While there is not a specific scheme before me at this time, I have no reason to think that an appropriate scheme could not be delivered, although this may involve challenges. The effects of any proposed measures, such as the potential for damage to parked cars, effect on the operation of the highway network and suitability for pedestrians, would be assessed as part of the formulation of any scheme.
14. Having had regard to all this, there are no material considerations that would indicate I should depart from the requirement in the LP that a contribution towards pedestrian improvements would be necessary. However, given that I cannot be certain this scheme would take place on the public highway, the use of a suspensive condition as suggested by the Local Highway Authority would not be appropriate.
15. A financial contribution would therefore be required. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) and paragraph 58 of the Framework set out three tests that planning obligations must meet.
16. For the reasons set out above, I am satisfied that the contribution is necessary to make the development acceptable in planning terms and that it would be directly related to the development. The Council asserts it cannot be certain that the contribution sought would be fairly and reasonably related in scale and kind to the development proposed. However, this is a contribution that was found to be appropriate through the development plan process. The Council has not provided sufficient substantive evidence to justify its assertion and this would be necessary to justify my departing from the adopted development plan. In the absence of such evidence, I am satisfied that the contribution would be fairly and reasonably related in scale and kind to the development proposed.
17. Regulation 122 of the CIL Regulations allows for a contribution to be secured towards the costs of monitoring and reporting provided the sum to be paid fairly and reasonably relates in scale and kind to the development and does not exceed the authority's estimate of its cost of monitoring the development. I have no reason to conclude that the monitoring contribution secured through the planning obligation for both the Council and County Council would not comply with these tests. The planning obligation therefore complies with the statutory tests.
18. The Council and the LHA are satisfied that the proposed highways layout would provide acceptable access for vehicles. The proposal makes appropriate provision for off-street parking to meet the needs of the development proposed. Even if

occupiers of the proposed properties were to own more cars than they have parking provision for, it is likely they would seek to park within the development site in proximity to their dwellings. While there was a notable degree of on-street parking along Keightley Way at the time of my site visit, it is not for this development to address concerns that are not directly related to it. There is no substantive evidence that this parking impedes the operation of the highway network in a severe manner.

19. Occupiers of the proposed dwellings would not require parking spaces to visit the play space. In any event, were this to be an issue, it could be addressed through other powers available to the local highway authority, as could other parking issues. The need for vehicles to reverse when meeting vehicles travelling in the opposite direction is a common occurrence and could also be addressed by the local highway authority were it to be a persistent issue. Minor traffic delays due to bin collection are commonplace, as are repairs to underground services. There is no substantive evidence that the accidents that have occurred in the area have been as a result of the volume of traffic, the road layout or that the proposed development would exacerbate any causes of accidents.
20. The layout before me makes provision for access to be provided from the development to the equipped playspace and the playing field beyond as required by LP Policy SCLP12.66. Vehicular crossings over footpaths are common and the layout here would be entirely typical. Drivers and pedestrians would both be aware of the movements of the other. There is no reason cyclists could not use the road within the development site before using the path to the playspace. There is no substantive evidence that the provision of a second access or a new link to the surrounding highway network would have an adverse effect on child safety. It is also likely that this access would be more popular with those seeking to use the equipped playspace as it would not require crossing the playing field. The existing access to the playspace and playing field would likely prove challenging for the elderly or the disabled due to it being on a slope with no footpath. The Parish Council has indicated as landowner that it would not allow use of this access to enter the site. However, the policy does not and cannot require the developer to secure access to the playspace, only to make provision for it. The proposal before me does that and so complies with the requirement of the policy.
21. The policy requires the development to provide cycle access as well. I have not been made aware of cycle networks in the surrounding area, and this would not be a reason to prevent development on an allocated site. Other recommendations were made in the Brooksbank report. This was commissioned by the Council for its own reasons. It was for the Council and their consultant to decide what the content of that document was to be.
22. It is not for this appeal to reassess the position of Tuddenham as a small village in the settlement hierarchy or the merits of the allocation of this site including the sustainability appraisal. The constraints posed by the narrow width of High Street, its use by large vehicles, not being on a gritting route, narrow pavements, siting of bins, lack of street lighting, and the need for pedestrians to walk on the road are issues that would have been apparent at the time the suitability of the site was considered for allocation. I accept that access to facilities in the village for people with disabilities by means other than the private car may be challenging. However, this would extend beyond the area lacking a footpath. The incline of High Street and narrow pavement are such that it would likely pose an obstacle particularly for

wheelchair users. However, this would have been the case at the time the decision was taken to allocate the site. It would not be reasonable to require this development to provide parking to serve the existing playspace.

23. It was not unreasonable for the appellant to continue discussions with Suffolk County Council (SCC) as the Local Highway Authority following the decision of East Suffolk Council to defer the application. As an appeal against non-determination, it is not unusual for there to have been discussions between parties with a view to progressing the proposal after a committee meeting and prior to the submission of an appeal. There is no policy requirement before me for travel passes to be provided.
24. I am therefore satisfied that the proposed development would be safe for pedestrians. It would therefore be in accordance with LP Policy 12.66 which allocates the site for residential development and LP Policy 7.1 which requires development to incorporate measures that will encourage people to travel using non-car modes and would reduce conflict between users of the transport network.

Habitats Sites

25. The RAMS SPD confirms the site falls within the zone of influence for the Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, Benacre to Easton Bavents SPA, the Deben Estuary SPA and Ramsar site, Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC), Minsmere – Walberswick SPA and Ramsar site, the Orfordness-Shingle Street SAC, the Sandlings SPA and the Stour and Orwell Estuaries SPA and Ramsar site.
26. All of the sites are vulnerable to pressures from recreational disturbance. Due to its proximity to the habitats sites, there is a reasonable likelihood future occupiers of the proposed development would access the habitats sites for recreation. Although such effects would likely be limited from 25 dwellings, in combination with other approved and proposed residential development, there would be a likely significant effect on the integrity of the SPAs and SACs as a result of the increased population and associated activity. In these circumstances, the Habitats Regulations require me to undertake an Appropriate Assessment of the implications of the proposed development for the SPAs and SACs in view of their conservation objectives before deciding to grant permission.
27. The conservation objectives of the SPAs include ensuring the integrity of each site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wild Birds Directive. The SPAs collectively are designated for ruff, avocet, marsh harrier, hen harrier, redshank, lesser black-backed gull, sandwich tern, little tern, bittern, dark-bellied brent goose, white fronted goose, european nightjar, teal, northern shoveler, gadwall, woodlark, black-tailed godwit, knot, dunlin, redshank, grey plover, northern pintail, pied avocet and waterbird assemblage.
28. The Orfordness-Shingle Street SAC is designated for coastal lagoons while the Minsmere - Walberswick Heaths & Marshes SAC is designated for European dry heaths. Both SACs are designated for annual vegetation of drift lines and perennial vegetation of stony banks. The conservation objectives of each SAC include ensuring that the integrity of the site is maintained or restored as appropriate and ensuring that the site contributes to achieving the favourable conservation status of its qualifying features and species.

29. Adverse effects on the integrity of the habitats sites would arise from increased recreational disturbance, resulting in disturbance to wintering and passage waterbirds, disturbance to breeding birds, trampling, nutrient enrichment through dog fouling habitat damage, prey removal and spread of non-native species. Strategic mitigation measures to address these effects are set out in the RAMS SPD. This sets out a tariff based contribution towards the delivery of a mitigation strategy to address these effects and is clear that such contributions should be secured using an appropriate mechanism. I am therefore satisfied that the measures set out in the RAMS would adequately mitigate the potential adverse effects of the development on the integrity of the SPAs and the SAC.
30. A signed UU has been submitted by the appellant in relation to this matter. This would provide a financial contribution of £9,357.25 (£374.29 per dwelling) prior to the commencement of development in line with the approach set out in the RAMS SPD.
31. Natural England, in its role as the Statutory Nature Conservation Body, has confirmed that with these contributions secured prior to the commencement of the development, the potential adverse effects that would arise would be suitably mitigated.
32. I am satisfied that the above financial contributions are necessary to make the proposed development acceptable in planning terms. The obligation would contribute to an established mitigation scheme. Given the location of the appeal site in relation to the habitats sites, the contribution is directly related to the appeal scheme. As it relates to a standard charge based on the residential development proposed, I consider it to be fairly and reasonably related to the proposal in scale and kind. For these reasons, I am satisfied that the UU would meet the requirements of Regulation 122 of the CIL Regulations and paragraph 58 of the Framework.
33. I am satisfied that with the proposed mitigation measures in place, secured through the planning obligation, the potential adverse effects of the development would be adequately mitigated, respecting the integrity of the habitats sites. The development would therefore comply with the Habitats Regulations. It would also be in accordance with LP Policy SCLP10.1 which confirms how to address the impacts of increased recreation on habitats sites.

Contributions

34. A unilateral undertaking provides for eight affordable dwellings to be provided on site and a financial contribution to make up the balance to the required amount of 1 in 3 units to be affordable as required by LP Policies SCLP5.10 and SCLP12.66. As drafted, the obligation allows for some negotiation around tenure mix. In light of the advice at footnotes 31 and 90 of the Framework regarding First Homes, I am satisfied this is a reasonable approach and would not allow for re-negotiation of the overall contribution.
35. This undertaking also makes provision for the laying out, delivery, management and maintenance of the open space which is required as part of the development by LP Policy SCLP12.66.
36. Financial contributions towards the provision of primary and secondary school transport are reasonable and necessary to meet the demand generated by the

development. The obligation allows for indexation, interest on late payment and for SCC to repay the contributions if they are not spent within ten years of the occupation of the final dwelling. Given the financial contributions are required to meet the demands generated by the development, I consider this is a reasonable time in which to require the sums to be spent. SCC also seek monitoring contributions for education transport which are in accordance with the tests in Regulation 122 of the CIL Regulations.

37. The original response from SCC sought contributions towards secondary school new build, sixth form expansion, early years expansion, library improvement, household waste and primary school new build. An updated response and accompanying CIL compliance statement confirmed that the primary school new build contribution would no longer be sought. No reference was made to any of the other sought contributions. However given the ongoing involvement of SCC, I have no reason to conclude other than SCC no longer wishes to pursue these contributions. There is no evidence before me to demonstrate that contributions towards health facilities should have been sought.
38. I conclude that all contributions secured through the planning obligation would be reasonable and necessary to make the development acceptable. They would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. The planning obligations therefore comply with the statutory tests.

Other Matters

39. There is no substantive evidence before me that the housing mix would not be appropriate or that it is an inappropriate location for affordable housing due to travel costs. Nor is there any evidence of anti-social behaviour in the area that would be exacerbated by the proposal, or that the proposal itself would give rise to crime or disturbance.
40. The site layout responds to the proportions of the site. While it takes a different form to the overall linear layout of the village, this is also a factor that would have been taken into consideration when allocating the site. The dwellings lie in appropriately sized plots, and the overall site density is low, in keeping with the broad grain of development in Tuddenham.
41. LP Policy SCLP12.66 requires the development to link to the sports pitches and play facilities adjacent to the site. The proposed layout would provide improved access to the play facilities by providing a direct access. Furthermore, this access would be directly overlooked unlike the existing access which, as I observed at my site visit, is not directly overlooked and is enclosed by high boundary treatments. I consider this improvement would outweigh the negligible harm that would arise from there being two accesses to the facilities.
42. LP Policy SCLP5.8 requires at least 50% of dwellings to meet the requires for accessible and adaptable dwellings under part M4(2) of the building regulations. This can be secured by condition. This policy also identifies allocations where specific provision for elderly residents is to be made and does not include this site. Appropriate provision of housing for older persons is therefore achieved.
43. The Public Sector Equality Duty (PSED) is engaged where a decision will have a significant impact in relation to land or development that is solely or mainly used by

persons with one or more protected characteristic. The land appears to be in agricultural use. There is no evidence before me that the allocation was intended to deliver residential development for persons with a protected characteristic, nor does the proposed development set out that it is making such provision. I have not been directed to any policies in the development plan that require residential development to make provision for persons with protected characteristics. The PSED is therefore not engaged in this respect. Reference has been made to an adjacent occupier purchasing their dwelling to provide privacy for a family member with a protected characteristic. However, as the degree of overlooking arising from the proposed development would not cause unacceptable harm to the living conditions of occupiers, there would not be any conflict with the aims of the Equality Act.

44. The design of the proposed dwellings and their materials would be acceptable. There would be a new relationship of overlooking arising from the development of dwellings where there presently are none. However the surrounding properties on Westerfield Lane are set in spacious plots and are set at a higher level. The proposed dwellings would be set away from the boundary. Any overlooking would therefore not result in any material loss of privacy to the adjacent properties. There would not be a material loss of light or outlook to any of the surrounding properties due to the proposed position of the dwellings within the appeal site. Disruption during the construction stage of the development would be temporary and its effects mitigated by a suitable condition. Right to light is a private matter and would not be addressed through the planning system.
45. The Strategic Housing and Employment Land Availability Assessment does not alter the allocated status of the site. Neither does any perception of the local demand for housing. There is no policy requirement for this site to be delivered after any other allocated sites.
46. The site is at a low risk of flooding from all sources. The proposal includes a drainage scheme with which statutory consultees are satisfied and I have no reason to disagree. There is capacity within the sewerage network to accommodate the flow from the proposed development. Concerns regarding water pressure would be addressed through other legislation. There is no evidence that air quality in the area is close to the levels that would necessitate an air quality management area being designated. There is no reason that a residential development would give rise to unacceptable levels of light or noise pollution.
47. The proposal was accompanied by a Preliminary Ecological Appraisal (PEA) and subsequent further assessment for Great Crested Newts which concluded that no further surveys were required. I have no reason to disagree with the conclusions of these reports. There is no evidence of adverse effects from recreational or other pressures on the Fynn Valley County Wildlife Site. The proposal is not subject to the mandatory requirement for biodiversity net gain, however enhancements are proposed and can be secured by condition.
48. The proposal would result in a permanent change to the character of the site, however this, along with the effect on landscape character and existing land use, would have been assessed when the site was allocated. It is not for this appeal to revisit the evidence that informed the LP, including the sustainability appraisal. The cumulative effect of the level of development proposed by the LP would have been

assessed at its Examination. Decisions taken on other proposals in the area would not alter my assessment of the planning merits of this case.

49. The application was accompanied by a Heritage Statement which identifies heritage assets within Tuddenham. This concludes that there would not be an effect on any of those assets due to the distance and intervening development between them and the site. I agree with this conclusion. There is no reason to think the additional traffic generated by the proposal would have a vibration effect on historic buildings.
50. The potential for a quarry to be developed just over 300m from the site has been highlighted but I do not have any further details of that scheme before me. In any event, consideration of any such proposal would have to take account of the allocation of this site. Any flood risk effects arising from this proposal would have to be addressed by it and not the development before me. I have also been referred to another proposal¹ elsewhere within Tuddenham. I do not have full details of this proposal, however the decision notice confirms that decision was taken under the auspices of a different development plan. This decision would therefore not alter my assessment of the proposal before me.
51. There is no requirement for pre-application consultation with the Council or surrounding residents. Matters relating to the Parish Council, Council's planning committee meeting, the costs involved, further work undertaken on behalf of the Council or matters that could be investigated by the Local Government Ombudsman would not fall within the remit of this appeal. Management charges operate outside of the planning system. Property values are a private matter. It has not been substantiated that the site boundaries are inaccurate or that insufficient consultation was carried out.

Conditions

52. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 57 of the National Planning Policy Framework and I have made amendments to some of them for consistency and clarity purposes including removing the potential for conditions to be amended outside the process for varying conditions. In the interests of certainty, I have imposed conditions stipulating the timescale for the commencement of works and the approved plans. As compliance with other submitted reports is addressed through other conditions, I have removed reference to supporting documentation from the approved plans condition.
53. There is potential for there to be archaeological interest within the site so it is reasonable and necessary for provision to be made for investigation and reporting. It is reasonable and necessary to ensure that any unexpected contamination is appropriately managed so the site is suitable for its end use. I have imposed an amended condition in the interests of clarity. Measures to mitigate the effects of construction, including working hours, on the living conditions of the neighbouring property are reasonable and necessary.
54. It is reasonable and necessary in the interests of flood risk and living conditions of existing and future occupiers to ensure that suitable provision for surface water and foul drainage is secured, including during the construction process. It is also

¹ DC/18/0013/OUT refused 5 March 2018

reasonable to require verification of the delivery of the surface water drainage scheme, however requiring compliance with other legislation is not reasonable and I have amended the condition to reflect this.

55. It is reasonable and necessary to ensure parking provision is provided within the site in the interests of highway safety. I have amended the suggested condition to ensure it is reasonable.
56. In the interest of ecology, it is necessary to secure appropriate methods of working, lighting mitigation and enhancements. It is not necessary to have an overarching condition in relation to compliance as the mitigation and enhancement measures recommended in the PEA are secured by the more detailed conditions relating to ecology and landscaping.
57. It is a requirement of the LP that water consumption be limited to 110 litres or less per person per day, therefore the condition is reasonable and necessary. I have amended the condition to require the details of the measures to be approved by the local planning authority to ensure that the condition is enforceable and to require their retention to ensure the measures are effective. To ensure the dwellings are accessible and are adaptable to the changing needs of households, I have included a condition requiring 50% of dwellings to be built in accordance with Part M4(2) of the Building Regulations as required by the LP.
58. It is necessary in the interests of visual amenity for a detailed scheme of landscaping to be approved. I have amended the suggested condition to relate to the indicative scheme of landscaping. For this reason, it is also necessary to require tree protection works, the retention of the existing boundary hedge and to ensure that T10, a Category A tree, is protected during construction.
59. Details of materials are set out in an approved plan so a further condition is not necessary. The layout of the site is confirmed by the approved plans and surface water is controlled by another condition. Other details such as traffic calming can be controlled through powers available to the local highway authority. Details of the landscaping and management and maintenance of the open space on the site would be controlled via the planning obligation so a further condition is not necessary. The dwellings are set within plots of sufficient size and within sufficient proximity to the highway that it is not necessary to require refuse storage and presentation points. Similarly, the plots are of sufficient size such that residents can make their own provision for cycle storage. The provision of fire hydrants is controlled by other legislation and so a condition is not necessary. Details of the management and maintenance of the open space is provided for and most appropriately secured through the planning obligation so a condition is not necessary.

Conclusion

60. For the reasons given above, the proposal is in accordance with the development plan. The appeal should therefore be allowed.

Jennifer Wallace

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1000, 1001 Rev N, 2000 Rev B, 2001 Rev B, 2002 Rev C, 2003 Rev A, 2004 Rev B, 2005 Rev B, 2006 Rev B, 2008 Rev C, 2009 Rev C, 2010 Rev A, 3000 Rev C, 4000 Rev D, 5002 Rev D and 5003 Rev F.
- 3) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 4) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.
 - 5) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately in writing to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
 - 6) Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. This should contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. The approved scheme shall be complied with at all times during the construction phase of the development.
 - 7) Hours of working during construction shall be limited to:

Monday to Friday 07:30 until 18:00 hours

Saturdays 08:00 until 13:00 hours

Sundays & Bank Holidays – none

- 8) The development shall be carried out in accordance with the 'Flood Risk Assessment / Drainage Strategy Rev 00 and the details shown on drawing no 211209-C-001-P08 and shall thereafter be managed and maintained in accordance with the approved strategy.
- 9) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan(s) for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction
- 10) Within 28 days of practical completion of the last dwelling or unit, a surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings.
- 11) No dwelling shall be occupied until the parking spaces for that dwelling have been provided in accordance with the details shown on drawing no. 5003 Rev F. The visitor parking shown on drawing no. 5003 Rev F shall be made available prior to the occupation of the final dwelling on site. All parking spaces shall thereafter be retained.
- 12) Prior to any works above ground level, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed.

- 13) No development shall take place (including demolition, ground works and 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 at least the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The development shall be carried out in accordance with the approved CEMP.

- 14) Prior to any works above ground level, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, shall be submitted to and approved in writing by the Local Planning Authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.
- 15) Prior to any works above ground level, a scheme to demonstrate how the water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures thereafter retained.
- 16) Prior to any works above ground level, details of the plots which meet the requirements of Part M4(2) for accessible and adaptable dwellings shall be submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate that at least 50% of dwellings, to include both market and affordable dwellings, will meet this standard. The development shall be carried out in accordance with the approved details.
- 17) Prior to any works above ground level, a scheme of landscape works (which shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas, patios, hard surfaces, and other operations as appropriate) and maintenance plan for those areas not within domestic curtilages, based on the details contained in drawing no JBA 23/079/SK01 Rev A, shall be submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

- 18) No site clearance, preparatory work or development shall take place until the tree protection measures as set out in the Arboricultural Impact Assessment have been carried out. These measures shall be retained during the course of construction.
- 19) No retained existing hedgerows or trees shall be felled, uprooted, destroyed, or wilfully damaged in any manner. If any retained hedgerows or trees are felled, uprooted, destroyed or wilfully damaged, or dies or becomes seriously diseased within five years of the completion of the development, it shall be replaced during the first available planting season with trees and/or hedgerows and shrubs of a size and species which have previously been agreed in writing with the local planning authority.
- 20) No development shall commence until a method statement and/or plans detailing any groundworks within the root protection area of T10 has been submitted to and approved in writing by the local planning authority. Thereafter the method of construction shall be adhered to and implemented in its entirety unless otherwise agreed in writing by the Local Planning Authority.

End of Conditions