



Appeal Decision

Hearing Held on 22 September 2020

Site visit made on 23 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/D3830/W/19/3243084

Wealden House, EDF Energy, Lewes Road, Ashurst Wood, West Sussex RH19 3TB

- 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 Ashgrove Homes Limited and GCP Developments Limited against the decision of Mid Sussex District Council.
 - The application Ref DM/19/1025, dated 11 February 2019, was refused by notice dated 20 September 2019.
 - The development proposed is new build residential development consisting of 54 units following the demolition of all existing site buildings.
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Decision

1. The appeal is allowed and planning permission is granted for new build residential development consisting of 54 units following the demolition of all existing site buildings at Wealden House, EDF Energy, Lewes Road, Ashurst Wood, West Sussex RH19 3TB in accordance with the terms of the application, Ref DM/19/1025, dated 11 February 2019, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. A planning obligation by way of a Unilateral Undertaking (UU) had been made by the appellants. This was to provide the infrastructure contributions required by the Council. It also provided the further contributions sought to mitigate for the additional recreational disturbance generated by this proposal upon nesting birds in the Ashdown Forest Special Protection Area (SPA). The SPA is a European site, protected under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The mitigation contributions are towards a joint Strategic Access Management and Monitoring strategy (SAMM) and Suitable Alternative Natural Green space (SANG) within Mid-Sussex.
3. At the Hearing the Council raised a number of issues over points of detail within the UU. I agreed these needed to be addressed by a formal Deed of Variation (DV) and allowed the time necessary to produce this. An executed DV to the UU, dated 3 November 2020, was subsequently provided, signed by the parties behind the scheme along with both Mid Sussex District and West Sussex County Councils.

4. The UU/DV is addressed later on in this decision. However, other than in respect of providing for affordable housing, this addresses the Council's original first reason for refusal, relating to the absence of the required infrastructure contributions, and also its second reason, over a failure to mitigate for the proposal's impact on the SPA. As competent authority under the Habitats Regulations, this mitigation payment then allows me to undertake the necessary appropriate assessment, as I have dealt with in paragraphs 33 – 36.

Main Issues

5. Following on from these preliminary matters, the main issues in the appeal are whether
 - (i) the proposal could viably support a level of affordable housing and
 - (ii) the amount of car parking proposed would be adequate.

The Proposal

6. Ashurst Wood is a quite large village, located just outside the major town of East Grinstead. The appeal site is set back from the A22, the major road that runs through the settlement. The land currently contains a large office building, and its associated parking area, which is currently unoccupied. The site entry from the A22 is shared with the business centre at Wealden House and the two residential apartment blocks adjacent to that. To its other side the appeal site abuts the grounds of a school, containing a dwelling sited close to the boundary. The appeal site backs onto a substantial belt of ancient woodland. The surrounding part of Ashurst Wood generally comprises quite low density two-storey suburban housing along either side of the main Lewes Road.
7. The 54 apartments (15 as one bed units and 39 as two bed units) would replace the office building. These dwellings would be contained within seven blocks of a unified contemporary design, surrounded by landscaping, open areas and a total of 67 car parking spaces. A landscaped buffer zone would be created in place of hard surfaced car parking next to the block of ancient woodland at the rear of the site.

Policy Framework

8. The site lies within the High Weald Area of Outstanding Natural Beauty. In policy terms it falls within the countryside, as defined in the Mid Sussex District Plan 2014-2031 (DP). However, it is allocated for development under Policy ASW9 in the Ashurst Wood Neighbourhood Plan (AWNPN), which is carried forward in the DP. Supplementary Planning Documents (SPD) provide further detail over the application of DP policies in respect of affordable housing, viability and infrastructure contributions¹.

Reasons

- (i) Whether the proposal could viably support a level of affordable housing*
9. Policy DP31 seeks to deliver 30% affordable housing on sites providing eleven residential units or more. This policy recognises that viability is a material

¹ Mid Sussex Affordable Housing, Development Viability and Development Infrastructure and Contributions Supplementary Planning Documents – all adopted July 2018.

planning consideration and acknowledges that there will be circumstances in which it is demonstrated that 30% affordable housing cannot be provided.

10. The viability SPD accepts a reasonable compromise but expects a demonstration of the nearest percentage to policy compliance that can be achieved, if not the full amount. In this case, the appellants' evidence is that, having accounted for the infrastructure and Habitats Regulations payments, the scheme cannot go on to viably deliver any affordable housing.
11. I have had regard to the viability report² submitted with the application and the subsequent reviews and iterations of this carried out on behalf of the Council³ and the appellants⁴, the authors of which provided further verbal advice at the Hearing. I am grateful for the summary table setting out the main parties' respective positions over the development costs, values and profit margins.
12. The assessments have followed the residual land value (RLV) methodology recommended in the Council's Viability SPD. This approach shows whether a scheme is likely to proceed or not. It works out whether the residual value of a scheme, once the costs of development (including a reasonable profit for the developer) are deducted from the gross development value (GDV), cover the costs of site acquisition. The latter is not any actual price paid for the land but a Benchmark Land Value (BLV), which can be based on the existing use value with an appropriate premium, as applied in these assessments. Clearly, this needs to provide an adequate incentive for the landowner to part with the site. I am reasonably satisfied that the viability assessments have followed the SPD requirements and complied with relevant Government advice, as set out in the Planning Practice Guidance⁵.
13. The Council accepts the proposal would not likely provide a fully policy compliant level of affordable housing and remain viable. However, its position is that this proposal could nonetheless support a meaningful contribution, and not the nil provision argued as necessary by the appellant. Policy DP31 requires significant clear evidence to demonstrate a proposal cannot support the required amount of affordable housing.
14. Viability testing cannot provide an exact conclusion, due to the significant degree of uncertainty over the estimates made for the variables within any assessment. Evidence shows house prices do currently appear to be holding up in the face of the particularly high degree of economic uncertainty brought about by the current Covid-19 pandemic. As the most significant element to GDV, I broadly accept the appellants' figures. These are not markedly dissimilar to those produced for the Council, only less optimistic once sales marketing is separated as a professional fee cost. The higher profit developer margins included in the appellants' assessment address the present level of uncertainty in the housebuilding sector, and the economy more generally, and suitably reflect the prevailing risk climate.
15. The nature of this scheme, involving substantial demolition works and the redevelopment of previously developed land to provide custom built apartments, lends weight to the appellants' estimate of development costs, including exceptional amounts related to the nature of the project. These are

² Affordable Housing Consultancy Ltd February 2019

³ Dixon Seale Partnership Limited – reports dated March 2020, June 2019 and 14 September 2020

⁴ Andrew Golland Associates reports dated November 2019 and August 2020

⁵ <https://www.gov.uk/guidance/viability> Last updated 1 September 2019

higher costs than those of the Council's reports, but I consider these have been adequately substantiated on behalf of the appellants and are generally reasonable. I lean towards accepting the lower BLV figure provided in the assessments made for the Council, perhaps reflecting the growing trend for home working, with the suppressing effect this might have on values in the office market. However, even assuming the Council's BLV and its less pessimistic view on building costs, I remain satisfied the appellants' RLV is significant clear evidence, demonstrating the scheme cannot viably be brought forward with the inclusion of any affordable housing. The evidence is sufficient to conclude that the proposal would satisfy Policy DP31 and AWNP Policy ASW15 in this respect.

(ii) Whether the amount of car parking proposed would be adequate

16. Policy DP21 requires consideration of whether this scheme provides adequate car parking, taking into account accessibility, the type, mix and use of the development and the availability and opportunities for public transport. These are all criteria for setting local parking standards included in paragraph 105 of the National Planning Policy Framework (the Framework). Policy DP21 also refers to the application of local standards, as here set by the AWNP.
17. AWNP Policy ASW21 seeks that new developments provide adequate and suitable off-street parking in order to minimise obstruction of the local road network in the interests of the safety of all road users, including pedestrians and cyclists. In the case of residential development, this policy requires a minimum of two parking spaces per unit of between one to three bedrooms. This would amount to a requirement for this development to provide 108 car parking spaces, with the proposal falling 41 spaces short. The proposal thus conflicts with the development plan through a clear shortfall in the amount of parking sought under Policy ASW21.
18. However, the scheme provides a mixture of two and one-bedroom flats, indicating a likely lower per unit parking space demand, compared with a scheme for all three-bedroom dwellings, which would have similarly required 108 spaces under Policy ASW21. This suggests to me it would be reasonable to apply some degree of flexibility over the actual amount of car parking sought by the AWNP.
19. In October 2019, the Council updated its car parking requirements to reflect new guidance produced by West Sussex County Council. I have had regard to this, and the County Council's parking demand calculator for this particular location. Whilst planning guidance, and not a part of the actual development plan, this recently updated standard attracts weight as a material consideration. The County Council guidance would seek somewhat less parking provision than the AWNP, but the proposal would still fall 26 spaces short of the 93 sought.
20. In paragraph 106, the Framework further advises that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.
21. I agree that the appeal site is in part of a residential area without services and facilities immediately nearby, and that those closest would not be a convenient

walking distance. There is a regular bus service, but the location of the flats away from such services and facilities would encourage a reliance on access to a private car. With regard to overspill parking provision, this would not be appropriate along the A22, which is a busy strategic route. There are no quieter residential streets nearby to provide alternative parking, as might be available in more built up areas. Therefore, I agree the development would need to meet its demand for car parking on-site.

22. However, private car use and parking demand would be moderated by the measures set out in the proposal's Travel Plan Statement⁶. These would promote the take up of more sustainable travel choices, such as use of the bus service, cycling or car sharing/pooling. The combination of these measures, along with the small size of the units and an assumption of *caveat emptor* being applied by future occupiers over available parking, are all persuasive factors towards the 67 parking spaces being adequate.
23. Furthermore, this amount had satisfied the County Council's previous 2010 guidance and parking demand calculator, prior to the 2019 update which no longer differentiates between houses and flats. Given the date of the original application, just prior to the Council updating its car parking requirements, I consider it reasonable for the local highway authority to have relied on its original advice, based on the 2010 standards.
24. In respect of the harm arising from the level of on-site parking proposed, it is significant that the local highway authority has raised no highway safety objection. The Council's case rests on the scheme proposing too many flats for the land available. However, I need to balance this with the delivery of a viable scheme, the existing office accommodation use of the site and a general need to make effective use of land, particularly that which is previously developed, in meeting a general need for housing.
25. The adjacent A22 is a busy strategic road which would be a deterrent as a reasonable parking choice and where, should it occur, this would likely be addressed by local highway authority regulation or enforcement. There might be pressure on the parking available on the adjacent land at the Wealden House site, but measures might be taken to prevent this.
26. There would be conflict with development plan policy and current guidance over the amount of on-site parking proposed. However, in the context of the local highway authority's view, paragraph 106 of the Framework would not support the application of these maximum standards without the compelling justification for managing the local road network. A more restrained level of car parking for this development would help reduce private car use and promote sustainable travel choices, in line with wider national and local policy. On balance, and subject to the application of the measures within the Travel Plan Statement, I consider the amount of car parking proposed to be adequate.

Other Matters

27. Interested parties have raised objections to the density of accommodation and contemporary urban character of the apartment complex proposed. This clearly raises some conflict with parts (a) and (b) of AWNP Policy ASW9 which, in relation to this specific site, seeks a scheme reflecting the predominant

⁶ Travel Plan Statement Proposed Residential Development, Wealden House (EDF Site) Final V2.0 by Motion 30 January 2019

character of the area, which is mainly that of two storey suburban housing set back from the road in spacious, verdant surroundings.

28. However, the scheme responds to the existing circumstances whereby the site is already set back from the main road behind vegetation and contains the substantial mass of the single EDF building. In this context, the breaking up of this extant mass into a range of smaller apartment blocks, maintaining tree screening and a buffer to the ancient woodland, with access as currently from Lewes Road, meets other parts of this policy. Whilst not finding universal favour, the design has been subject to a rigorous review process and, in the context of the existing site with its vacant office building, would be of a satisfactory design, without causing significant harm to the overall character and appearance of the wider residential area.
29. With the site parameters, taking account of the large office building and extent of car parking present, there would be impracticalities in delivering a viable scheme similar to housing within the surrounding area and which met all limbs of AWNP policies ASW9 and ASW14. I am satisfied that the scheme is otherwise of a suitable design given the site characteristics and constraints and would make effective use of this previously-developed land, with adequate landscaping and without material harm to the living conditions of neighbouring occupiers, due to either loss of light or privacy.
30. Regarding the interested party concerns over the submission of a revised red line application plan, extended to incorporate the site entrance, I am satisfied the amendment was before the Council and its decision was made on the basis of this. AWNP Policy AWS9 requires this site be developed from the existing access, and I am satisfied this is adequate to serve the development proposed.
31. With regard to AWNP Policy AWS10, governing any future proposal for the redevelopment of the adjacent Wealden House/Life Improvement Centre, I am content this proposal would not be of prejudice to this. I consider that Policy AWS9 is that relevant to the EDF part of Wealden House. In assessing this scheme against that, I am not depriving Ashbourne House residents of any protection provided by Policy AWS10, which specifically applies to the Life Improvement Centre part to Wealden House. Details of how this next-door site might be developed were not matters before me and remain outside the scope of this decision. Furthermore, there would be no highway safety justification for the requirement sought for this proposal to provide a separate access onto the A22 for Ashbourne House and Carlton House.

Unilateral Undertaking

32. The UU/DV commits to financial contributions towards infrastructure, notably libraries, sport, community buildings, cycle paths and road safety, local community infrastructure, health services, education and police services, as well as making the SAMM/SANG payments. This provides the mitigation necessary over additional demands made on infrastructure and addresses the proposal's effects on the Ashdown Forest SPA, so as to satisfy policies DP20 and DP17 respectively.
33. I have had regard to both the evidence underpinning the SANG/SAMM measures and the Council's Development Infrastructure and Contributions SPD. On this basis, I have considered the UU/DV against the advice in paragraph 56 of the Framework and the statutory requirements of Regulations 122 and 123

of the Community Infrastructure Levy Regulations. These require that planning obligations should only be accepted where they are necessary to make the development acceptable in planning terms, are directly related to it and are fairly and reasonably related in scale and kind. I am content that the UU/DV satisfies these tests and therefore is a material planning consideration in deciding this appeal.

Habitat Regulation Assessment (HRA)

34. As competent authority, the Habitats Regulations impose a duty upon me to ensure that the appeal proposal would have no adverse effect on the integrity of the Ashdown Forest SPA and Special Area of Conservation (SAC). The potential effects of development on Ashdown Forest were assessed during the HRA process for the DP. This identified likely significant effects on the SPA from recreational disturbance and on the SAC from atmospheric pollution.
35. Atmospheric pollution derives from increased traffic emissions as a consequence of new development, which may lead to acidification and eutrophication through the nitrogen deposited, potentially to the detriment of the ecosystem of the SAC and its species composition. However, the 54 dwellings proposed would generate a lower number of vehicular trips compared to the previous office use. I have also considered the Mid Sussex Transport Study (Updated Transport Analysis) which assessed these air quality impacts and found capacity existed within the area to accommodate planned and windfall development without likely significant effects on the Ashdown Forest SAC.
36. Regarding the effects of this proposal, in combination with other developments, in respect of increased recreational disturbance affecting near-ground and ground nesting bird species in the SPA, this was also addressed in the DP HRA. As detailed in Policy DP17, this found mitigation measures were necessary to counteract the effects of a potential increase in recreational pressure from a net increase in dwellings within a 7km zone of influence around the SPA. The UU/DV provides the per bedroom financial contributions sought towards the mitigation approach agreed with Natural England. This provides for the SANG and SAMM approach.
37. As a satisfactory planning obligation has been submitted to address the impact of the proposal on the SPA, the Council has withdrawn this reason for refusal. Having reviewed the evidence before me, I am satisfied that the level of further recreational disturbance resulting from the 54 dwellings would be effectively offset by the contributions made to these strategic mitigation measures. Therefore, I am able to ascertain that this proposal would not have an adverse effect on the integrity of the European sites comprising Ashdown Forest SPA and SAC.

Planning Balance

38. Through the UU/DV, the proposal would mitigate for the further demands made upon infrastructure and for the effects on the SPA. The Council is able to demonstrate the five-year supply of housing land required by the Framework. However, this does not place a ceiling over further provision. Despite not being capable of viably supplying any affordable housing, the scheme for 54 market dwellings would still provide significant social benefits, with the environmental advantage of making effective use of previously developed land. The parking

provision, whilst below development plan policy requirements, would not give rise to any substantiated highway safety implications. The 67 spaces would be sufficient for the development, but not an amount that would be a disincentive towards sustainable travel choices. In all, the proposal would bring forward significant benefits, sufficient to outweigh any harm identified.

Conditions and Conclusion

39. The conditions suggested by the Council were discussed with the main parties at the Hearing, where there was broad agreement. I have subsequently considered these in the light of the tests set out in Paragraph 55 of the Framework and the Planning Practice Guidance, amending them where necessary for the sake of succinctness, clarity and precision.
40. In addition to the standard condition establishing the three-year time limit for commencing the development (1), another is necessary in the interests of certainty which sets out the details and drawings subject to which the planning permission is granted (2).
41. There is clear justification for certain matters to be addressed by pre-commencement conditions. In the interests of preserving the satisfactory living conditions of neighbouring occupiers during the demolition and building works, a condition requiring agreement to and implementation of a Construction Method Statement (CMS) is needed (3). To secure the protection and management of the adjacent ancient woodland, a condition governs agreement and implementation of the necessary measures (4). The Council has stated that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, works stop until such time that a further assessment has been made, and further remediation methods put in place if needed. I have applied the conditions recommended (5 – 7). In the interests of the satisfactory appearance of the completed development, a condition is required over external finishes and details (8).
42. Prior to occupation conditions are required to secure suitable landscaping (9), cycle storage (10), car parking and turning space (11), visibility at the junction onto the A22 (12), noise protection (13), lighting (14), drainage (15) and the Travel Plan measures (16). In addition to the CMS, the living conditions of neighbouring occupiers need to be protected by set hours and days for construction and deliveries (17,18).
43. Subject to these conditions, and having taken into account all further matters raised, I conclude that the appeal should be allowed.

Jonathan Price

Inspector

APPEARANCES

FOR THE APPELLANT:

John Escott BA(Hons) DipTP MRTPI	Robinson Escott Planning LLP
Dr Andrew Golland BSc (Hons) PhD MRICS	Andrew Golland Associates
Steve Giles BEng (Hons) IEng FIHE MCIHT CMILT MICE MSoRSA	Motion
Darren Jon Page BA (Hons) Dip Arch RIBA	Director, Lytle Associates Architects

FOR THE LOCAL PLANNING AUTHORITY:

Steven King, BSc (Hons) Dip TP, MRTPI	Planning Applications Team Leader MSDC
Jennifer Bale	Solicitor MSDC
Emily Hatch LLB (Hons)	Dixon Searle Partnership Ltd.
Nick Molyneux	Dixon Searle Partnership Ltd.

INTERESTED PERSONS:

Councillor J Belsey	MSDC Ward Councillor
Michael Comer	Local resident
Jenny Forbes	Ashurst Wood Village Council

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and reports: location plan 1809_01 A; proposed block plan 1809_02 C; proposed site plan 1809_05 H; existing floor plans 1809_10; existing floor plans 1809_11; existing roof plan 1809_12; existing elevations 1809_15; existing elevations 1809_16; existing elevations 1809_17; existing elevations 1809_18; proposed floor plans 1809_125 B; proposed floor plans 1809_126 B; proposed elevations 1809_127 B; proposed roof plan 1809_128 A; proposed elevations 1809_130 A; proposed elevations 1809_131 A; proposed elevations 1809_132 A; proposed floor and elevations plan 1809_135 A; proposed floor plans 1809_136 B; proposed elevations 1809_140; proposed roof plan 1809_141 A; proposed floor plans 1809_50 C; proposed floor plans 1809_51 C; proposed floor plans 1809_52 C; proposed floor plans 1809_53 D; proposed floor plans 1809_54 C; proposed elevations 1809_55 C; proposed elevations 1809_56 C; proposed elevations 1809_57 C; proposed floor plans 1809_60 C; proposed floor plans 1809_61 C; proposed floor plans 1809_62 C; proposed floor plans 1809_63 C; proposed floor plans 1809_64 B; proposed elevations 1809_65 C; proposed elevations 1809_66 C; proposed elevations 1809_67 C; proposed floor and elevations plan 1809_70 C; proposed floor plans 1809_71 C; proposed floor plans 1809_72 C; proposed floor plans 1809_73 C; proposed floor plans 1809_74 B; proposed elevations 1809_75 C; proposed elevations 1809_76 C; proposed elevations 1809_77 C; proposed floor plans 1809_80 D; proposed floor plans 1809_81 E; proposed roof plan 1809_82 C; proposed elevations 1809_85 C; proposed elevations 1809_86 D; proposed floor plans 1809_95 C; proposed floor plans 1809_96 C; proposed floor plans 1809_97 C; proposed floor plans 1809_98 C; proposed floor plans 1809_99 B; proposed elevations 1809_100 C; proposed elevations 1809_101 C; proposed elevations 1809_102 C; proposed elevations 1809_103 C; proposed floor and elevations plan 1809_105 B; street scene 1809_115 D; Flood Risk Assessment and SuDS Assessment by Motion 20 February 2019 Final Rev B; Arboricultural assessment and method statement reference 18089-AA4-AS, Barrell Tree Consultancy 26 July 2019; Outline Ancient Woodland Management Plan relating to land at Wealden House, Ashurst Wood by Land Management Services Ltd February 2019; Recommendations in the Phase 1 Vegetation Survey and Risk Assessment for Protected Species, Ralph Hobbs BSc ARCS MCIEEMrtd April 2018
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the method of access and routing of vehicles during construction;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;

- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place, including any works of demolition, until the following details have been submitted to, and approved in writing by, the local planning authority:
- i. Protective fencing details including specification and timing of erection and removal in relation to construction and landscaping to ensure that the adjacent ancient woodland is protected;
 - ii. A finalised woodland management plan for the adjacent ancient woodland, based on the outline plan submitted.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority
- a) a desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;
- and, unless otherwise agreed in writing by the local planning authority,
- b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;
- and, unless otherwise agreed in writing by the local planning authority,
- c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective

measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

- 6) The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the local planning authority verification by the competent person approved under the provisions of condition 5 c) that any remediation scheme required and approved under the provisions of conditions 5 c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise a stand-alone report including:
- a) description of remedial scheme
 - b) as built drawings of the implemented scheme
 - c) photographs of the remediation works in progress
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions 5 c).

- 7) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the local planning authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the local planning authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced and approved in writing by the local planning authority.
- 8) No development above slab level shall take place until the following details have been submitted to and approved in writing by the local planning authority:
- i. 1:20 scale elevation (vignette) and section drawings that show a typical part and elements of one of the 4 storey building's front elevations.
 - ii. Facing materials including windows
 - iii. The rainwater discharge arrangements
 - iv. The design and layout of solar panels and lift-housing on the roof
- 9) The dwellings hereby permitted shall not be occupied until full details of a hard and soft landscaping scheme, including boundary treatments and the provision of a soft landscaped threshold on both sides of the block of

flats incorporating plots 7-12, have been submitted to and approved in writing by the local planning authority. These details shall include indications of all existing trees and hedging on the land, and details of those to be retained, together with measures for their protection in the course of development. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the local planning authority. Any trees or plants which, within a period of five years from the completion of 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, unless the local planning authority gives written consent to any variation.

- 10) The dwellings hereby permitted shall not be occupied until details of bicycle storage have been submitted to and approved in writing by the local planning authority. This storage shall thereafter be retained for the parking of bicycles and for no other purpose.
- 11) The dwellings hereby permitted shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided. The areas shall thereafter be retained solely for the parking/turning of vehicles.
- 12) The dwellings hereby permitted shall not be occupied until the visibility splays onto the Lewes Road have been provided in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level.
- 13) The dwellings hereby permitted shall not be occupied until noise protection measures have been implemented in accordance with details that shall have had the prior written agreement of the local planning authority. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 -07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hr when measured at any period.
- 14) The dwellings hereby permitted shall not be occupied until details of a lighting scheme have been submitted to, and approved in writing, by the local planning authority. The lighting scheme shall thereafter be provided and maintained in accordance with these details.
- 15) The dwellings hereby permitted shall not be occupied until the details in the Flood Risk Assessment and SuDS Assessment by Motion dated 20 February 2019 have been implemented, having had the Council's prior written approval of a management and maintenance plan for the lifetime of the development, which shall have included arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

- 16) The dwellings hereby permitted shall not be occupied until precise details of the measures proposed in the January 2019 Travel Plan Statement have been submitted to and agreed in writing. These measures shall thereafter be put in place and managed as agreed.
- 17) Demolition or construction works shall take place only between the hours of 0800-1800 on Monday to Friday, 0900-1300 Saturday and not at any time on Sundays or on Bank or Public Holidays.
- 18) Deliveries shall be taken at or despatched from the site only between the hours of 0800-1800 on Monday to Friday, 0900-1300 Saturday and not at any time on Sundays or on Bank or Public Holidays.
