

Appeal Ref: APP/U1430/W/20/3265995
Former Market Garden, Lower Waites Lane, Fairlight, East Sussex
TN35 4DB

Annex A – 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 documents:

- 662/002 P5 - Proposed Site Plan, dated 27 November 2017
- 662/003 P5 – Proposed Site Plan, dated 27 November 2017
- 662/004 P5 – Roof Plan, dated 27 November 2017
- 662/006 P4 – Site Sections 1-4, dated 27 November 2017
- 662/007 P3 – Site Sections 5-8, dated 8 August 2017
- 662/008 P3 – Site Sections 9-12, dated 8 August 2017
- 662/021 P2 – House Types 1,3,5,7,9 & 11, dated 6 July 2017
- 662/022 P2 – House Types 13 & 15, dated 6 July 2017
- 662/023 P2 – House Types 2,4,8 & 10, dated 6 July 2017
- 662/024 P2 – House Type 6, dated 6 July 2017
- 662/025 P2 – House Type 12, date 6 July 2017
- 662/026 P2 – House Type 14, dated 6 July 2017
- 662/027 P2 – House Types 16, dated 6 July 2017
- 662/028 P3 – Bin Store 1, dated 8 August 2017
- 662/029 P2 – Bin Store 2, dated 6 July 2017
- 662/030 P2 – Detailed Section/Elevation
- 662/031 P2 – 3D View, dated 8 August 2017
- 662/303 P2 – Location Plan, dated 26 April 2017
- 662/304 P4 – Site Location Plan, dated 27 November 2017
- 8330P/301B – Surface Water Drainage Layout, dated 11 July 2017
- 8330P/302B – Foul Water Drainage, dated 11 July 2017
- 100 P2 – Proposed Carriageway and Access Alignment, 5 November 2007
- Written Scheme of Archaeological Investigation (Chris Butler), dated June 2015
- Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) – Monson, dated 11 July 2017

- Arboricultural Report (Sylvan Arb) Ref SA/91/14, dated 27 June 2014

3) No development shall commence until the vehicular access serving the development and the improvements to Lower Waites lane and Smugglers Way have been constructed in accordance with the approved plan Drawing No 100 P2 dated 5 November 2007.

4) No development above ground floor slab level of any part of the development shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development shall conform to those approved.

5) 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 parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- vi) details of public engagement both prior to and during construction works.
- 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;
- ix) details of access through the site during the construction period
- x) delivery, demolition and construction working hours.

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

6) Unless alternative times are specifically agreed in writing by the Local Planning Authority, construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 08:00 and 18:00 hours on Mondays to Fridays inclusive and 08:00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

7) No development shall take place until a programme of archaeological work in accordance with a Written Scheme of Investigation that has been

approved in writing by the planning authority.

8) No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under Condition 7.

9) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow that person to observe the excavations and record items of interest and finds.

10) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and,

iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

11) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority in consultation with Southern Water.

12) No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected.

13) No development above ground level shall take place before any external lighting scheme proposed is submitted to and approved in writing by the Local Planning Authority.

14) No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning

Authority. The EDS shall include the following; a) Purpose and conservation objectives of the proposed works, b) Review of site potential and constraints, c) Detailed design(s) and/or working method(s) to achieve stated objectives, d) Extent and location/area of proposed works on appropriate scale maps and plans, e) Type and source of materials to be used where appropriate, e.g. native species of local provenance, f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development, g) Persons responsible for implementing the works, h) Details of initial aftercare and long-term maintenance, i) Details for monitoring and remedial measures, and j) Details for disposal of any wastes arising from the works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

15) No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the; a) Purpose and objectives of the proposed works, b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used), c) Extent and location of proposed works shown on appropriate scale maps and plans, d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction, e) Persons responsible for implementing the works, f) Initial aftercare and long-term maintenance (where relevant), and g) Disposal of waste arising from works. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

16) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include; a) creation of escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day, and b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

17) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority, including indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

18) Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape areas including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority.

19) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.

20) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work). The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained. No equipment, machinery or structure shall be attached to or supported by a retained tree. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

21) No part of the development shall be occupied until full details of refuse and recycling storage facilities have first been submitted to and approved in writing and those facilities have been provided in accordance with the approved details.

22) No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with drawing No 622/003 P5, dated 27 November 2017. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

23) No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with drawing No 622/003 P5 dated 27 November 2017. The space shall thereafter be retained at all times for this use only and shall not be obstructed.

24) No part of the development shall be occupied until the road, footways and parking areas serving the development have been constructed, drained and lit in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority.

25) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and

details 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.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved shall retained for such use and shall not be altered internally or externally for use as habitable accommodation.

27) Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls, buildings or structures of any kind, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

28) The dwelling(s) hereby permitted shall not be occupied until it they have been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

*****End of Conditions*****