



Appeal Decision

Hearing Held on 8 September 2020

Site visit made on 3 December 2020

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2021

Appeal Ref: APP/P1560/W/20/3246908

Sato UK Ltd, Valley Road, Dovercourt CO12 4RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Sato UK Limited against the decision of Tendring District Council.
 - The application Ref 18/02109/OUT, dated 10 December 2018, was refused by notice dated 17 January 2020.
 - The development proposed is demolition of existing redundant factory and outline application with all matters reserved with the exception of access for up to 42 residential units.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing redundant factory and outline application with all matters reserved with the exception of access for up to 42 residential units at Sato UK Ltd, Valley Road, Dovercourt CO12 4RR in accordance with the terms of the application, Ref 18/02109/OUT, dated 10 December 2018, subject to the conditions contained within the Schedule at the end of this decision.

Procedural and Preliminary Matters

2. The proposal is for outline planning permission with approval sought at this stage for access only, with layout, appearance, landscaping and scale reserved for future approval. The details submitted with the appeal include a site plan¹ that shows the proposed main point of access and includes an indicative layout. Whilst the site plan shows how the site might be developed for dwellings, layout detail will be addressed at the reserved matters stage. As such, other than the main point of access, I have not treated the depicted layout details as formally part of the scheme for determination at this stage.
3. The Council's decision notice includes two reasons for refusal, both relating to the absence of planning obligations secured by a legal agreement under section 106 of the Town and Country Planning Act 1990. The first refusal reason concerns the lack of planning obligations securing: affordable housing; and financial contributions for education and public open space provision to meet the projected needs of the future occupiers of the development. The Council's second refusal reason concerns the absence of an obligation securing a financial contribution to assist with the operation of the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to mitigate

¹ Site Plan – Dwg no. 6635 - 1101

the effects of the development's occupation on the Stour & Orwell Estuary SPA and Ramsar and on the Hamford Water SPA, SAC and Ramsar.

4. Prior to the hearing date, an addendum to the Statement of Common Ground (SoCG) was submitted² stating that the main parties had agreed the heads of terms of the legal agreement and that all matters between the parties were now agreed.
5. Just before the hearing, a unilateral undertaking (UU) was executed by the appellant³ in accordance with the agreed heads of terms. The UU contains planning obligations binding upon the appellant and its successors in title that would secure the provision of: 6 affordable homes (2 shared ownership and 4 affordable rented); financial contributions for education and public open space; and a financial contribution to assist with the operation of the Essex Coastal RAMS.
6. At the hearing, the appellant confirmed that the UU did not include a clause that would trigger the payment of the RAMS contribution. As such, following the hearing, the appellant submitted⁴ a supplemental deed, dated 08 September 2020, that secures payment of the RAMS contribution prior to the commencement of the proposed residential development.
7. The Council submitted a CIL Compliance Statement⁵ that sets out how the obligations within the UU meet the relevant tests of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) and the requirements of other relevant planning policies. At the hearing, the Council confirmed that, as per the SoCG addendum, the concerns raised in the refusal reasons had become uncontentious given the UU had now been executed in accordance with the agreed heads of terms.
8. As the planning obligations contained in the executed UU have addressed the concerns identified by the Council in its reasons for refusal, I have treated those refusal reasons as not being subject to any dispute between the appellant and the Council. I will consider the planning obligations secured by the UU later in this decision.

Planning Policy Context

9. The Council's decision notice refers to the Tendring District Local Plan 2007 (TDLP) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (the ELP). The ELP comprises two sections, with section 1 of the ELP containing strategic policies and proposals that relate to the whole of North Essex (including Braintree, Colchester and Tendring). Section 2 contains policies and proposals specific to Tendring. Subsequent to the hearing, Section 1 of the ELP has been adopted (the TDLPS1)⁶ and now forms part of the development plan. Some of the more strategic policies in the TDLP have consequently been superseded by policies in TDLPS1 as set out in Appendix A of the TDLPS1.

² Received 27 August 2020

³ Received 07 September 2020

⁴ Received 08 September 2020

⁵ Received 07 September 2020

⁶ Adopted 26 January 2021

10. The main parties were asked for comments with regards to the adoption of the TDLPS1 and I have received their joint response⁷. That joint response advises that, given the development proposed relates to residential development within a settlement boundary, the strategic nature of the TDLPS1 does not have a material bearing on the main parties' common position that the appeal should be allowed, subject to the agreed obligations.
11. Whilst the Council's refusal reasons do not relate to the policies explicitly listed as superseded by Appendix A of the TDLPS1, the policies of the TDLPS1 are given full weight in the assessment of this appeal. TDLPS1 Policy SP 3 is particularly relevant in so far as it sets out the spatial strategy for North Essex, advising that existing settlements will be the principal focus for additional growth and that re-use of previously developed land within settlements is an important objective. The policy goes on to advise that Section 2 of the ELP will identify a hierarchy of settlements where new development will be accommodated. The explanatory text to the policy states that, 'Clacton and Harwich with Dovercourt are classified as strategic urban settlements and will accommodate around 5,000 new homes.' Appendix A of the TDLPS1 advises that TDLPS1 Policy SP 3 supersedes TDLPS1 Saved Policy QL1 (Spatial Strategy).
12. ELP Policy SPL 1 (Managing Growth) identifies Harwich and Dovercourt as Strategic Urban Settlements. ELP Policy SPL 2 (Settlement Development Boundaries) states that, 'Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies...'. Section 2 of the ELP is, however, still under examination and I have been provided with only limited details regarding to what extent there are unresolved objections to any policies. Section 2 of the ELP therefore remains liable to change and I consider that only limited weight should be attached to its policies.
13. Notwithstanding the existing uncertainty regarding Section 2 of the ELP, the appeal site is shown within the settlement boundary of Harwich and Dovercourt on the policies map within the ELP. As such, the proposal accords with ELP Policies SPL 1 and SPL 2. Furthermore, the site comprises a redundant factory building following the recent construction of an adjacent modern factory building that meets the occupiers long term requirements. The site is not subject to a specific allocation (either employment land or residential) in either adopted or emerging policies. Consequently, the proposal accords with TDLPS1 Policy SP 3 by focusing additional growth in a larger existing settlement and on previously developed land.

Main Issues

14. In light of the extent of common ground between the main parties, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

15. Notwithstanding the Council's position on the proposed development, concerns have been expressed by other interested parties with respect to several considerations. These include the effect of the development on: the living conditions of neighbours; highway safety and congestion; existing property

⁷ Received 09 April 2021

values; health during demolition; security; boundary vegetation; ecology; local schools and health facilities; and the character and appearance of the area.

Character, Appearance, Security and Living Conditions

16. With respect to character and appearance, the concerns include that the dwellings would not be of a scale commensurate with the surrounding area. Regarding living conditions, the concerns raised relate to the loss of privacy due to overlooking from the proposed dwellings and noise from vehicles. Concerns regarding security relate to potential increased public access to the rear boundaries of existing dwellings. As previously noted, this is an outline application with all matters reserved for subsequent determination apart from access. The impact of the proposals with regards to these issues will depend on the details of the reserved matters. In principle, I see no reason why an appropriately and sensitively designed scheme could not be achieved at reserved matters stage to ensure compatibility with the area's character, as well as ensuring no harm is caused to the living conditions in terms of privacy and outlook at nearby properties. There is no substantive evidence to suggest that the vehicular noise from the development would be problematic or excessive, and there is no reason why residents' security concerns cannot be addressed through the design and layout of the scheme.
17. As such, given the size of the appeal site and the number of dwellings proposed, and in the absence of any substantive evidence to the contrary, I find that the issues of security, living conditions and character and appearance can be addressed appropriately at the reserved matters stage in accordance with TDLPS1 Policy SP 7 (Place Shaping Principles).

Highways

18. In terms of highways impact, it is proposed that the existing access from Valley Road into the site will serve the development. Interested parties have raised concerns that the width of Valley Road is too narrow to safely and efficiently accommodate the traffic generated by the development. On my site visit, I noted Valley Road is of sufficient width for two-way traffic and includes pavements on both sides. The County Highway Authority considers the proposal acceptable subject to a range of detailed conditions. Those conditions include ensuring appropriate visibility splays, parking spaces and a continuous extension of Valley Road's existing kerbed pathway into the site. I have no substantive reason to consider differently to the County Highway Authority. As such, subject to the imposition of appropriate planning conditions, the development would not have an unacceptable impact on highway safety or result in residual cumulative impacts that are severe.

Landscaping, Bio-diversity and Ecology

19. The southern and western boundaries of the site include well established trees and hedging. None of the trees on site are protected. Whilst interested parties are concerned regarding the loss of boundary vegetation, the significant majority of the existing boundary trees and hedging are shown as retained on the appellant's schedule of vegetation to be removed. I note the Council's Tree and Landscape Officer does not consider any of the boundary trees warrant a Tree Preservation Order and is satisfied that the trees of greatest value are to be retained. I have no substantive evidence before me to suggest otherwise and I find existing boundary vegetation will be appropriately retained.

20. Given the scale of the existing industrial building to be demolished, the proposal would potentially result in increased areas of green landscaping throughout the site and could reasonably be expected to enhance the bio-diversity of the site. The submitted bat emergence surveys found no bats emerging from the existing industrial building but recommends demolition takes place outside the bird nesting season. The development's impacts on bio-diversity can be appropriately mitigated and enhancements secured by condition.

Environmental Health

21. I note that neither the Environment Agency, nor the Council's environmental protection service, have objected to the proposals subject to conditions including controlling for contaminated land, asbestos, noise, demolition and construction management. Subject to the imposition of appropriate conditions, I see no reason to disagree and find that the development would not give rise to significant adverse impacts on the health and quality of life of surrounding occupiers.

Local Infrastructure

22. Concerns have been raised that local infrastructure, including health services and schools, would be unable to cope with additional development. Contributions to fund additional school capacity are secured by the UU and I address that matter further below. The relevant health funding bodies have not specified any requirements. I do not, therefore, have any substantive evidence that resisting the development on the grounds of the lack of capacity of local health infrastructure would be justified.

Local Property Values

23. Whilst I appreciate the concern raised regarding the issue of the impact of the proposal on existing local property values, I have no substantive evidence to suggest that local property prices would be adversely affected. Furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Planning Obligations

24. I have considered the obligations within the submitted UU in light of the statutory tests contained in regulation 122 of the CIL Regulations and with regard to relevant government policy and guidance on the use of planning obligations.

Affordable Housing

25. TDLP Policy HG4 requires up to 40% of new dwellings on new residential schemes of 5 or more units to be provided as affordable housing. This would equate to 16.8 affordable units for a scheme of 42 dwellings. However, it is common ground that this requirement is out of date. ELP Policy LP5 expects 30% affordable dwellings on sites of 11 or more (net) homes, subject to viability testing. At the hearing, the parties agreed that TDLP Policy HG4 should be afforded only limited weight and ELP Policy LP5 should be afforded moderate weight. This is due to the more recent evidence base underpinning ELP Policy LP5. I find no reason to disagree.

26. In relation to major development involving the provision of housing, paragraph 64 of the Framework states that planning policies should expect at least 10% of the homes to be available for affordable home ownership as part of the overall affordable housing contribution from the site, subject to criteria and exceptions. The Framework paragraph 122 allows for decisions to take into account local market conditions and viability. Paragraph 57 further clarifies that the weight to be given to viability assessments is a matter for the decision-maker, having regard to the circumstances of the case, including whether the plan is up to date.
27. The main parties have undertaken assessments of the viability of the scheme. Whilst there remains some difference between the parties regarding the appropriate gross development value (GDV) of the scheme, at the hearing both parties accepted that achieving the Council's higher GDV figure represented increased risk to any future developer. The parties also agreed that the increased risk could reasonably justify developer returns on GDV at the top of the 15-20% range referred to by the Planning Practice Guidance (PPG)⁸. Given these factors, the parties agreed that the viability evidence reasonably indicates that the scheme would not be able to support any more than the 6 affordable units (14.29%) as set out within the SoCG addendum. I see no reason to come to an alternative view. The development would, therefore, make adequate affordable homes provision under ELP Policy LP5 and would be consistent with the policy for the provision of affordable housing set out in the Framework. I afford only limited weight to the conflict with TDLP Policy HG4 given the findings of the site-specific viability assessments and because the policy is out of date.

Public Open Space

28. TDLP Policy COM6 sets out the requirements for new development to provide or improve existing locally available recreational open space. Amongst other things, it advises that for developments below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs. The site is below 1.5 hectares and the Council's Open Space Team has identified that the nearest play area, located at Clayton Road, requires upgrading to cope with the additional usage from the development. The contribution would be calculated on a per dwelling basis. I am satisfied that this obligation is necessary to make the development acceptable in planning terms, directly relates to the development, and is fairly and reasonably related in scale and kind to the development.

Education

29. TDLP Policy COM26 requires residential developments of 12 or more dwellings to provide financial contributions towards the additional school places that will be needed to serve the development. TDLP Policy SP 6 (Infrastructure & Connectivity) requires sufficient school and early years and childcare facilities places to be provided with new development
30. The County Council advises that there are no unfilled early years places in the local area and that the nearest primary school is at capacity in reception year

⁸ Paragraph: 018 Reference ID: 10-018-20190509

and most other years. Accordingly, financial contributions are sought to ensure adequate capacity at early years and primary school level for the additional children that would be living on the development. I find that this obligation is necessary to make the development acceptable in planning terms, directly relates to the development, and is fairly and reasonably related in scale and kind to the development.

Essex Coast Recreation Disturbance Avoidance Mitigation Strategy

31. The appeal site is within the Zone of Influence of the Stour & Orwell Estuary SPA and Ramsar and the Hamford Water SPA, SAC and Ramsar as defined in the Essex Coast RAMS. These European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken.
32. The qualifying features of the Stour and Orwell Estuaries SPA and the Hamford Water SPA are internationally important populations of birds, internationally important numbers of migratory species and significant waterfowl assemblage. The Ramsar sites qualifying features are invertebrate fauna and nationally scarce plants, overwintering bird assemblages of international importance and bird species/populations of international importance. Hamford Water SAC is a large, shallow estuarine basin comprising tidal creeks, islands, intertidal mud, sand flats and saltmarshes and the area is considered to have a high diversity of habitats/species of European importance. The SAC's qualifying feature is the Fisher's Estuarine Moth and the SAC encompasses those areas where the moth's food plant hog's fennel grows and where there is an abundance of the grasses required by the species for egg laying.
33. The conservation objectives for the two SPA's are to ensure that the integrity of the site's are maintained and restored as appropriate, and to ensure that the sites contribute to the aims of the Birds Directive. This is achieved by maintaining and restoring the extent and distribution of habitats, including their structure and function, supporting processes on which the habitats rely, as well as the populations of each of the qualifying features. The conservation objectives of the SAC include ensuring that the integrity of the site is maintained or restored as appropriate, including its structure and function, supporting processes on which the habitats of qualifying species rely, as well as the populations of each of the qualifying feature.
34. The proposal would not directly result in the loss of habitats associated with the designated sites. However, given the proximity of the appeal site to the designated sites, the risk or possibility of significant effects in terms of recreation disturbance cannot be ruled out. I am therefore required to undertake an appropriate assessment.
35. The Essex Coastal Recreational Disturbance Avoidance and Mitigation Strategy 2018 (RAMS) identifies that housing and population growth is likely to increase the number of visitors in sensitive coastal areas, creating the potential for

impacts from increased recreational disturbance of qualifying features, including birds and their habitats, unless adequately managed.

36. In carrying out my appropriate assessment, I am mindful that the UU includes provision of a financial contribution towards the Essex Coast RAMS. This strategy allocates payment to detailed and costed infrastructure and non-infrastructure projects, including the provision of a warden service with the purpose of managing and educating visitors to designated habitats. The provision of management activities would help to control visitors to the designated sites, and in doing so would help to reduce the adverse effects associated with recreational disturbance. Natural England consider that mitigation secured in line with the Essex Coast RAMS would avoid the development having an adverse effect on the integrity of the European sites. I find that this mitigation would be effective having regard to designated sites' conservation objectives.
37. On the basis of my appropriate assessment, and for the reasons set out in that assessment, I can safely conclude that the proposed development, either alone or in combination with other plans or projects, would not adversely affect the integrity of any European site.
38. The proposal would, therefore, accord with TDLPS1 Policy S2, TDLP Policy EN11a and ELP Policy PPL4 which taken together seeks to secure contributions towards mitigation measures in accordance with the Essex Coast RAMS. Furthermore, the RAMS obligation is necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Conclusion on Obligations

39. Overall, I am satisfied that the obligations contained within the UU would meet the tests set out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations. I regard the obligations are necessary given development plan policies and other adopted planning documents. They are directly related to the development proposed and would be fairly and reasonably related to the scale of the development. The UU has been properly executed and would be effective.

Planning Balance

40. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations (including the Framework) indicate otherwise. I have found that the proposal accords with the recently adopted spatial strategy Policy TDLPS1 SP 3 and other relevant policies within the TDLPS1 including Policies SP 2, SP 6 and SP 7. I consider these policies to form the basket of most important policies in addition to TDLP Policy HD4. Despite my findings regarding the out of date nature of TDLP Policy HD4, I find that the basket of the most important policies for the determination of the proposal before me, when taken together, is not out-of-date.
41. Although I give limited weight to the conflict with TDLP Policy HD4, I give significant weight to the delivery of housing on a previously developed site within an existing sustainable urban settlement in accordance with Policy TDLPS1 SP 3. I have not found conflict with other relevant policies of the

adopted development plan. I have, therefore, found that the proposal accords with the development plan when taken as a whole.

42. In light of the recent adoption of the TDLPS1, it is unclear whether the Council are currently able to demonstrate a five years supply of deliverable housing sites. However, given I have found the proposal to accord with the development plan and with relevant ELP policies, I do not consider applying the 'tilted balance' would be determinative in my decision.
43. I give substantial weight, in accordance with the Framework, to the proposed delivery of homes on a brownfield site in a location with good access to employment and facilities by sustainable transport modes. Moderate weight is given to the delivery of affordable homes in accordance with the Framework and ELP Policy LP5. Economic benefits would be derived from jobs provided through construction and resident spending would further weigh in favour of the proposed development.
44. Overall, there are no material considerations, taken individually or cumulatively, that outweigh the identified benefits or indicate that the appeal should not succeed. The appeal is therefore allowed.

Conditions

45. The Council and appellant agreed a set of conditions, including pre-commencement conditions, which were discussed at the hearing. Where necessary, I have amended the set of conditions for clarity, to ensure compliance with national policy and guidance, and in light of the discussions at the hearing. The numbers in brackets relate to the conditions in the schedule.
46. Conditions to ensure the development is implemented in accordance with the reserved matters, required to be first submitted and approved, and within the standard time period, are necessary (1,2,3). For the avoidance of doubt, a condition requiring the development to be carried out in accordance with the approved plans (4) is necessary, as is one securing a maximum number of dwellings on the site (5).
47. In the interests of the health of future occupiers, a condition addressing potential contamination is necessary (6). This is a pre-commencement condition because remediation works may need to be carried out prior to the undertaking of any development. To ensure the proposed development does not impact groundwater, details of any piling and/or penetrative foundation methods are required (7).
48. A condition to secure the implementation of Demolition and Construction Management Plans is also necessary in the interests of highway safety and to protect the living conditions of local residents (8). It is necessary that details are approved prior to the commencement of development as the construction management arrangements must be put in place prior to commencement and should remain in effect for the full duration of the development.
49. In order to prevent increased risks of flooding and in the interests of the principles of sustainable drainage, conditions are necessary to secure the implementation of measures to ensure the appropriate surface water and foul drainage of the site (10, 15, 16).

50. For the avoidance of doubt and in the interests of highway safety it is necessary for details to be submitted to have control over the internal access roads. Conditions securing car and cycle parking and implementation of a residential travel plan are necessary in the interests of highways safety and to promote sustainable transport choices (11, 12, 13, 14).
51. In the interests of ecology, living conditions and good design, conditions ensuring appropriate protection of trees and bio-diversity are necessary (9, 17). Condition 17 is a pre-commencement condition because the open spaces and other ecology measures will need to be provided for as an integral part of the overall layout.

Conclusion

52. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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FOR THE LOCAL PLANNING AUTHORITY:

Matthew Lang BSc (Hons)

Planning Officer, Tendring DC

Dr Andrew Golland
BSc (Hons), PhD, MRICS

Andrew Golland Associates

DOCUMENTS SUBMITTED DURING/AFTER THE HEARING

1. Supplemental Unilateral Undertaking Deed – received 08 September 2020.
2. Natural England Consultation Response on European Sites – received 16 December 2020.
3. Appellant's Response on Natural England Consultation – received 04 January 2021.
4. Joint Response by the Council and Appellant regarding the adoption of the Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 – received 09 April 2021.

**Schedule of Conditions attached to Appeal Decision Appeal Ref:
APP/P1560/W/20/3246908
Sato UK Ltd, Valley Road, Dovercourt CO12 4RR**

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. No. 6635 – 1103
Dwg. No. 6635 – 1101 (Main Point of Access Only)
5. The development hereby approved shall not exceed 42 dwellings.
6. No development (excluding demolition) shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development (excluding demolition) begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
7. No piling or any other foundation designs using penetrative methods shall take place until a piling/foundation method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out), has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any such approved piling/foundation method statement.

8. The development hereby approved shall not commence until:
 - i. A Demolition Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed plan.
 - ii. A Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include, but not be limited to, details of: vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway; dust suppression techniques; an asbestos removal plan; hours of construction; parking for construction workers; storage areas for construction materials and loading/unloading areas; site pollution prevention; how the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall be minimised. The development shall be constructed in accordance with the agreed plan.
9. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment prepared by Open Spaces Landscape Architects (ref OS 1773-19-Doc1, dated January 2019) and associated tree protection plan (dwg nos. OS 177-19.1 & 19.2) and tree removal plan (dwg nos. OS 177-19.3 & 19.4), including in respect of the protection of trees, shrubs and hedgerows during construction.
10. Prior to construction above damp proof course level, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.
11. Details of the internal access road(s), to be submitted pursuant to condition 1 above, shall include details for their design, geometry, visibility splays and materials of construction. Prior to the laying out of the internal access roads, timescale(s) for their completion and details for their ongoing maintenance and management shall have been submitted to and approved in writing by the local planning authority. The internal access road(s) shall thereafter be constructed in accordance with the approved details and timescales and shall be managed and maintained as approved for the lifetime of the development.
12. Prior to the first occupation of each dwelling hereby approved, parking for vehicles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling.
13. Prior to the first occupation of each dwelling hereby approved, secure parking for cycles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling. These facilities shall be retained thereafter for the parking of cycles only.
14. No dwelling hereby permitted shall be occupied until a Residential Travel Information Pack that promotes sustainable transport for future residents has

been submitted to and approved in writing by the local planning authority. A Residential Travel Information Pack shall be made available in each dwelling upon occupation.

15. Prior to construction above damp proof course level, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been submitted to and approved in writing by the local planning authority. The scheme shall include but not be limited to:
- Limiting discharge rates to 3.3 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provision of sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.

The approved scheme shall be implemented prior to first occupation of the development.

16. Prior to construction above damp proof course level, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the local planning authority. The surface water drainage system shall be maintained in accordance with the approved plan.
17. No development shall commence until a Biodiversity Enhancement Strategy [BES], to achieve biodiversity enhancements and to include bird and bat boxes, connectivity for wildlife and ecologically beneficial landscaping, has been submitted to and approved in writing by the local planning authority. The BES shall include the mitigation and enhancement measures and/or works contained within the Bat Emergence Survey (Open Spaces Landscape Architects, June 2019), timescales for implementation and details (with timescales) for ongoing management and maintenance of all areas of open space within the development. The BES shall be implemented in accordance with the approved details and timescales and the ongoing management and maintenance measures, as approved, shall be adhered to for the life of the development.