The Planning Inspectorate

Appeal Decision

Hearing (Virtual) Held on 18 August 2021

Site Visit made on 19 August 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/Q3305/W/20/3265459
Land off Anchor Road, Coleford, Somerset BA3 5PY

- 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 Gladman Developments Limited against the decision of Mendip District Council.
- The application Ref 2019/2345/OTS, dated 20 September 2019, was refused by notice dated 28 August 2020.
- The development proposed is for the erection of up to 63 dwellings with public open space, landscaping, sustainable drainage system (SuDS), a vehicular access point from Anchor Road.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 63 dwellings with public open space, landscaping, sustainable drainage system (SuDS), a vehicular access point from Anchor Road, at Land off Anchor Road, Coleford, BA3 5PY in accordance with the terms of the application, Ref 2019/2345/OTS, dated 20 September 2019, subject to the conditions set within the attached schedule.

Procedural Matter

2. The application is in outline with all matters reserved except for access. Where there are details of aspects of the proposal other than access I have generally considered them to be indicative only.

Main Issue

3. The main issue is the effect of the development on the landscape character and appearance.

Reasons

4. The proposal is to build up to 63 new dwellings on what is a large single field adjacent to the northern end of Coleford. The primary access would be off Anchor Road to the western boundary of the site.

5. As the proposed residential development would result in dwellings and internal roads, for example, on what is an open field, there would be a significant change in the character of the site. There is an intrinsic beauty to the countryside, which would be eroded to some extent with the proposed development.

6. Policy DP1 of the Mendip Local Plan requires that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. It also requires an appreciation of the natural context, including views, scenery, hedges and trees. Also, within the Mendip Local Plan policy DP4 states that proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Policy DP7 requires that development is of a scale, mass, form and layout appropriate to the local context.

7. In this case, the urbanisation of this site could not be said to contribute positively to the landscape and would result in some erosion of the local landscape quality. As such, the proposal does not fully accord with the aforementioned policies. However, there is some mitigation and other circumstances which limit the degree of harm.

8. Firstly, the proposal is adjacent to the existing built extent of the village, with dwellings along Anchor Road being immediately adjacent to the site. As such, it would appear as a logical extension to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on'. The development would not be visually remote from the settlement or appear as being in an isolated rural location.

9. The development would extend eastwards to the hedgerow that exists to this side of the field, which is a greater depth than the very linear form of the existing dwellings fronting this northern section of Anchor Road. However, the village as a whole is not only characterised by dwellings fronting this road or Highbury Street for example. There are residential streets such as Farley Dell and others that connect with both sides of these main roads through the village, which would be similar to this development.

10. The development would also extend the built form of the village north towards Lipyeate, which is a very small settlement of several dwellings, mostly set in spacious plots. Whilst there would be an element of coalescence with Lipyeate I note that on the indicative plan there would be an area of open space towards the northern end of the site, which would provide some visual break between the dwellings proposed and the dwellings at Lipyeate. Furthermore, Lipyeate would retain a more rural and low density character which would appear distinct from the site development of up to 63 modern dwellings.

11. A further mitigation would be the proposed landscaping and the retention of much of the existing vegetation. This would help the development visually integrate with the surrounding rural landscape over time, adding to the existing boundary hedgerows which already provides some level of visual containment for the site.

12. There would be the loss of a significant length of hedgerow to allow for visibility at the site access, but this could be replaced with a new section of appropriate hedgerow. The alignment of the hedgerow would be altered from existing, but not to the extent that the frontage of the site onto Anchor Road would appear over-engineered for example. The change in position of the hedgerow could be reasonably subtle.

13. I acknowledge the loss of the Elm, which would be regrettable, but I am not persuaded that this is a tree of such prominence or value that it should remain. Indeed, the Council have confirmed that they do not regard it as being of

sufficient significance for a Tree Preservation Order. I also note the planting proposed which can compensate for the loss of this tree.

14. The site character would change, as previously acknowledged, to a housing area with internal road system. There would be some loss of tranquillity, but this would be confined to the site area itself and not the wider countryside, especially as the site is already adjacent to existing housing.

15. The Council reason for refusal appears to relate to the number of dwellings proposed, rather than a resistance to any development on this site. However, considering the size of the site, its context including adjacent dwelling layouts and density, I would not regard a development of up to 63 dwellings as being excessive. However, the details of this would be part of a reserved matters application to consider the scale of the dwellings and layout for example.

16. Overall, the proposal does not fully comply with Mendip District Local Plan policies DP1, DP4 and DP7. However, the harm to the landscape and the intrinsic beauty of the countryside is limited for the reasons set out above. This harm will be weighed against the benefits of the proposals in the latter 'Planning Balance'.

Planning Obligation

17. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in the National Planning Policy Framework (the Framework). These requirements are that the obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.

18. The legal agreement is signed and dated by all parties, including the landowner, appellant (as the promoter), the Mendip District Council and Somerset County Council.

19. The Council has submitted evidence of the need for the obligations with a CIL compliance statement, together with information provided through comments from consultees and through discussion at the Hearing.

20. The obligation includes a provision for 30% on-site affordable housing, which is necessary in accordance with the Framework as the proposal is for up to 63 dwellings. This would also accord with policy DP11 of the Local Plan.

21. The additional housing would result in increased local population with children that would need school places. A financial contribution towards Early Years education provision is therefore necessary. This is in compliance with Policy DP19 of the Mendip District Local Plan and would relate to the number of dwellings constructed on site.

22. The submitted plans include off-site highway works, as described above. This is necessary to provide safe access for vehicles and pedestrians. It should also help to reduce the reliance on the use of the car. This is to meet with the County Highways Authority standards. Furthermore, there is the obligation to provide a detailed Travel Plan to encourage sustainable transport to and from

the development. These obligations are to ensure the proposal is in compliance with Policies CP1, DP7 and DP9 of the Mendip District Local Plan.

23. The legal agreement includes obligations for the developer to provide to the Council an Open Space Works Specification. It is reasonable for a development of this scale to provide public open space with child play areas or an off-site contribution if necessary. This would be in compliance with policies DP7 and DP16 of the Local Plan, in providing an attractive environment and the promotion of healthy lifestyles.

24. Finally, there is the obligation for the developer to provide an ecological enhancement area for bats with adherence to an associated 'bat plan', which is necessary to comply with both policies DP5 and DP6 of the Mendip District Local Plan and the Framework with regard to ecological conservation and enhancement.

25. I am satisfied that there is a need for the above contributions/obligations that they would be directly related to the proposal, and fairly and reasonably related in scale and kind to the development. As a result, it would pass the statutory tests set out with the Community Infrastructure Levy Regulations, 2010, as amended.

Other Matters

Principle of Development

26. The site is outside of the development boundary of Coleford and therefore within the countryside for the purposes of planning policy. The site is adjacent to the village, which is considered a primary village in the Mendip District Local Plan Part 1, under Core Policies CP1 and CP2. However, CP1 states that any proposed development outside the development limits, will be strictly controlled. The site is not allocated for housing, including in the emerging Local Plan Part 2, which is getting close to full adoption.

27. The Local Plan Part 1 included a provision for 70 dwellings as a reasonable scale of growth from 2006-2029 for Coleford, with almost that number already developed. I also acknowledge that the emerging Local Plan Part 2 allocates a site in Coleford for a further residential development. However, I understand that these figures do not represent a maximum. There may be empty dwellings within the village for various reasons, but there is a need for housing within the Mendip District and the Government through the Framework is seeking a housing boost nationally.

28. However, as discussed at the Hearing, the Council cannot currently demonstrate a five-year rolling supply of deliverable housing sites. The level of supply that the Council can demonstrate I would consider as a significant shortfall. There may be improvements in the near future, and I acknowledge the likely imminent adoption of the Local Plan Part 2. However, from the evidence submitted this would not result in the Council being able to demonstrate a sufficient level of housing land supply. Furthermore, the impact of the need for nutrient/phosphate neutrality with developments, connected to the Somerset Levels RAMSAR site, is likely to have an impact to housing delivery in the District for some time.

29. I shall consider these issues further with the planning balance.

Local facilities and infrastructure

30. As mentioned previously, Coleford is considered as a 'Primary Village', based on factors such as the community facilities it can offer villagers. From the evidence before me and from my observations when in the village, this is a relatively large rural settlement and does include a range of facilities and services. I acknowledge that there is no full-time Post Office now and that a pub has closed. However, what remains I would regard as sufficient in terms of facilities and services for the occupiers of the proposed dwellings, even if some would need a longer walk or cycle through the village, for example. Indeed, the future occupants could help support and safeguard the future of community facilities. I note the pressure on the local doctors, but I do not have sufficient evidence to demonstrate that the additional population would not have access to health care or that they would overwhelm this service.

31. In regard to the school, a planning obligation for a contribution towards education provision has been negotiated between the Council and appellant which I am satisfied would mitigate the impact of the proposal in this regard.

32. I note that the bus service is infrequent and does not run every day. However, it could be used by future occupiers of the proposed dwellings, especially as the bus stops would be so close to the site. Again, increased local residents could provide some additional support for the service.

Traffic and Highway Safety

33. The issue of the additional traffic that the development would invariably create would add pressure to the existing highway network. The village is surrounded by minor roads and country lanes, some particularly narrow. I acknowledge that most future occupants would likely travel elsewhere for work for example. I also acknowledged that there are larger vehicles and trucks using these roads frequently. Furthermore, I am aware from evidence provided by interested parties that there have been a number of traffic collisions and other incidences in the roads near the site.

34. At my time on site, I drove all the surrounding roads and some others in and out of the village. The road network which would likely be used frequently by those who would live in the proposed houses is not ideal, in terms of road width in particular. However, this is not an uncommon situation for rural locations. Passing other vehicles, especially larger trucks, can be difficult on these narrow roads, but I have no substantive evidence to demonstrate that such issues cause significant congestion or that such incidents result in unacceptable highway safety consequences. These are roads which are long established and already used by many motorists and the evidence (including my own on site observations) does not convincingly demonstrate to me that the additional traffic generated by the proposed houses would make the surrounding road network materially more dangerous than existing.

35. With regards to pedestrian safety, the proposal includes additional footways which would link with Anchor Road to the south and also to the bus stops adjacent to the site. With these in place the proposed development would provide sufficient safety for pedestrians from the site. I acknowledge the lack of footways to the north of the site, but again, this is not uncommon for rural areas. When walking these roads, including around the junction with Brewery

Lane for example, I did not conclude that they were particularly dangerous compared to walking many other rural roads.

36. In terms of the visibility splays as proposed, I note there has been no objections from the highway authority. From my observations on site also, these splays would provide sufficient safety levels for traffic entering or exiting the site. There should also be sufficient parking provided within the development to ensure there would be no significant overspill of parking elsewhere.

37. Overall, I recognise the concerns that local residents have with regards to highway safety, but with the access arrangements and new footpaths I am not persuaded that the proposed development would have any material adverse effect to existing highway safety levels or any other highway issues.

Ecology

38. The appellant has submitted an Ecological Appraisal. This document states that *"the site lies within Band C of the guidance document 'Bat Consultation Zone', indicating that bats from the SAC may be present in the local area at a low density and may therefore make some limited use of the site for commuting/foraging."* The Special Area of Conservation (SAC) is 'Mells Valley' which relates to the exceptional breeding population of Greater Horseshoe Bats.

39. During bat activity surveys greater horseshoe passes were recorded using the application site. There is a likely significant effect on the bat population given that they would likely forage at the site and make use of features for commuting, which would be developed for housing with this proposal, with associated traffic and lighting, for example.

40. A likely significant effect cannot be excluded, so as the competent authority I must undertake an appropriate assessment. Without mitigation the proposal could have an adverse effect on the bats associated with the SAC due to the development of what is an open field. At this stage I can consider measures that could be delivered which would avoid these effects. There are mitigation/compensation measures set out in the Ecological Appraisal. This includes the retention of hedgerows (or replacement hedgerows), the implementation of a sensitive lighting scheme, and the creation of new on-site habitats given the current usage of the site by SAC bats. Agreed conditions also include the requirement for a detailed Landscape and Ecological Management Plan. Such mitigation suitably addresses the loss of foraging habitat, the severance of flight lines and lighting disturbance, for example.

41. As concluded by the Council in the completed Habitat Regulation Assessment (which I consider still robust and not outdated), with such suitable mitigation measures it is unlikely that there would be an adverse effect on the integrity of the Mells Valley SAC. This can be secured via condition and planning obligations. I am satisfied that the mechanisms for securing the mitigation measures are appropriate.

42. I note the nearby Mendip Woodland SAC, which could be adversely affected by recreational impacts. However, given the distance from the site and the on-site open space, I would agree with the Ecological Appraisal that there would be no

likely adverse effects on the integrity of the Mendip Woodlands SAC from the proposed development.

43. There is some submitted evidence of wildlife within the field and the surrounding hedgerows, for example. However, after consideration of the Ecological Appraisal and the Council responses on these matters I am satisfied that the development would not have any overall harmful impacts to local ecology, with the use of conditions requiring ecological and bio-diversity gains together with a Landscape and Ecological Management Plan.

44. Considering all the above, there is no reason for refusal with respect to ecological issues. Based on all the information before me and the recommendations of the Ecological Appraisal I am satisfied that the proposal would not harm nature conservation interests, whilst ensuring that the integrity of the SAC would be preserved. There can also be secured some ecological gains.

Sewer Capacity

45. There has been evidence submitted by interested parties that there are existing issues with sewer capacity. The appellant has submitted evidence to demonstrate that they can connect to the existing sewer network, although acknowledging that Wessex Water may need some enhancements to the system if it transpires as necessary. For the purposes of this outline application, I am satisfied that a solution can be found for the foul drainage from the site in agreement with Wessex Water. I have no substantive evidence to the contrary.

Heritage issues

46. The proposed residential development would be within the setting of the Grade II listed former Farmhouse known as Rush Ash Farmhouse. This is a dwelling listed due to its architectural and historic value, being an old building reflecting the rural character of the area's history. Its setting includes the field to the north, the site of the proposed development. Being a former farmhouse, the surrounding rural landscape is an important element of its setting and contributes towards its significance.

47. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

48. The Council have concluded that the development as proposed would be of no harm to the significance of this asset through being within the setting of this listed building. The land to the north is currently agricultural, which has a link with the historic use of this building as a farmhouse. However, the listed building is set adjacent to existing relatively modern houses, with the existing views over the land to the north including the prominent rear of modern ribbon development housing. The Council state this has already diluted this immediate

rural setting to the north, which I would agree with. Furthermore, the mostly open and undeveloped agricultural/rural landscape to the east would be unaffected by the proposal.

49. The proposal also indicates an undeveloped area to remain at the southern end of the site, which could act as a visual 'green buffer'. This could both screen much of the existing development from this listed building, together with some views of existing housing. The Council Conservation Officer states that this could be a 'positive' which I would agree with, helping to maintain the rural setting immediately to the rear of Rush Ash Farmhouse.

50. Suitable siting and design details of the dwellings could be secured through the reserved matters application(s), including the incorporation of the 'green buffer'. I therefore find that the proposals would preserve the setting of the listed building, for all the reasons given.

51. However, even if I had found there to be some limited harm, this would be less than substantial, and in in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. In this case there would be substantial public benefits (as set out in detail in the 'Planning Balance', such as both market and affordable housing provision) which could clearly outweigh this harm, even with the asset's conservation being given great weight. Nonetheless, I have found the proposal, based on the submitted details, to have no harm to the listed building setting and its significance.

Living Conditions

52. The proposed development, from the indicative details, would introduce new dwellings, many of two storey height, in relatively close proximity to existing houses possibly. However, these details as submitted are in outline only and indicative of a possible layout. It is acknowledged that the outlook for some existing neighbours to the site would change, but not necessarily to a degree that would be unacceptable. Furthermore, the layout and dwelling design should be able to take into account existing neighbouring properties to ensure there would be no unacceptable impact to living conditions. There is no substantive evidence to suggest that noise from the proposed new houses and their future occupants would be to an unacceptable level.

53. There would be some noise and disruption through the construction process, but this is a temporary period (the same as with most construction sites) and not a long term issue. This is not a reason to withhold planning permission in my view.

Planning Balance

54. The Council has acknowledged that it cannot demonstrate a 5 year housing land supply. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five year housing land supply, paragraph 11 d) of the Framework is engaged.

55. From the evidence provided to me at the Hearing I would regard the current shortfall as being significant. This may improve with the adoption of the Local Plan Part 2. However, the provision of 63 dwellings potentially on this site would be a significant addition to local housing supply and it would importantly also help towards the Government intention to boost housing delivery in what I would consider to be a reasonably accessible and sustainable location.

56. In the context of the Development Plan, I have found that the proposed development would be contrary to policies DP1, DP4 and DP7 of the Mendip Local Plan. This is due to there likely being some level of impact to the landscape, but this would be limited for the reasons set out in this Decision.

57. There is also the fact that the development would be located outside the defined development boundary limits of Coleford or any other settlement in the area. It is instead on a 'greenfield' site adjacent to this village. Policies such as Core Policy 1 seeks that proposed development outside the development limits, will be strictly controlled. However, in the absence of a demonstrable five year housing land supply, I give the conflict with the Development Plan with these policies limited weight. Furthermore, the site is adjacent to the village rather than being in a remote location. Occupants of the development would also be able to benefit from being part of this 'primary' village.

58. I also acknowledge that this site is valued as an open field and part of the countryside setting of the village and have considered all the comments received by local residents, the Parish Council, and others. There is clearly a strong local level of objection to the proposal.

59. However, there are also significant benefits, such as that the proposal would make a substantial contribution to the provision of housing and particularly affordable housing for the village and the wider District to benefit from. The development would also benefit the local/District wide economy during its construction phase and thereafter through the use of services and facilities in the area by its future occupants.

60. Overall, I give significant weight to these benefits. For the reasons set out above, whilst the site is outside of a defined development boundary on what is a 'greenfield' site within the landscape, there are no adverse impacts which would significantly and demonstrably outweigh the benefits. Therefore, the proposal benefits from the presumption in favour of sustainable development and should be allowed.

Conditions

61. I have considered the conditions put forward by the Council and appellant as agreed conditions, against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.

62. I have attached the standard reserved matters and time limit conditions. I have included the standard time limits as there is no substantive evidence to suggest otherwise. I have also included a plans condition, as this provides certainty.

63. Due to the coal mining history of the area an intrusive site investigation is required with remediation if necessary.

64. A construction management plan is required, especially considering the close proximity of existing dwellings. This shall restrict times of working noisy equipment and also address issues such as dust suppression for example.

65. Also, in the interests of highway safety the access and its vision splays shall be developed as shown on the approved plans. Details of the internal highway network shall be required. Parking and turning areas will need to be kept for these purposes only, with a properly consolidated and surfaced footpath and carriageway being required.

66. In the interests of sustainable transport and accessibility, there is imposed conditions relating to pedestrian and cycle route links within the development, and for there to be cycle store provision at each dwelling.

67. To safeguard the trees that are to remain an Arboricultural Method Statement is required. There is also a condition restricting works to the existing vegetation in bird nesting season.

68. In the interest of safeguarding and enhancing local ecology there is a condition requiring a Landscape and Ecological Management Plan (LEMP) and also a scheme of ecological and bio-diversity gains. Furthermore, conditions requiring a management scheme for the western hedgerow, a lighting scheme and habitat enhancement for bats are all imposed in the interests of ecology.

69. A surface water drainage scheme, based on sustainable drainage principles, is required by condition in the interests of safeguarding against flood risk for example. Also, a condition requiring the foul drainage to be in accordance with the submitted strategy is imposed.

70. In the interests of minimising the effect of the development on climate change, a condition requiring a low emissions/renewable energy strategy is imposed.

71. Finally, due to possible archaeology at the site, a programme of archaeological works is required by condition.

72. As discussed at the Hearing, I have not found it reasonable nor necessary for a condition limiting the development to less than 63 dwellings. I have also not included a landscaping condition as this is a reserved matters subject.

Conclusion

73. For the reasons given I conclude that the appeal should be allowed, subject to the conditions in the following schedule, and the obligations in the submitted and signed planning legal agreement.

Mr S Rennie

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr Christian Hawley	Counsel for appellant
Mr Ben Wright	Senior Director – Aspect Landscape Planning
Mr Christien Lee	Planning Director - Gladmans
Ms Rachel Goddard	Solicitor - Gladmans

FOR THE COUNCIL:

Mr Robert Brigden	Planning Officer
Ms Rachel Tadman	Head of Planning

INTERESTED PARTIES

Mr Alan Townsend	Ward member and Member of Coleford Parish Council
Ms Dawn Townsend	Neighbour
Mr Philip Ham	Somerset Country Councillor and Chair of Coleford Parish Council
Mr Simon Brand	Holcombe Parish Council
Mr Mark Reynolds	Context Planning – On behalf of Coleford Parish Council

ITEMS SUBMITTED AT OR AFTER THE HEARING:

- Legal Agreement, dated 18 August 2021 – Planning obligation by deed of agreement under the 106 Town and Country Planning Act 1990 (as amended), relating to Land to the East of Anchor Road, Coleford, Somerset.

Schedule – Conditions

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 take place 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, where they relate to access: 6504/ASP01 - 18323-102 Rev E - 18323-103 Rev A

5) The reserved matters application for layout shall include full details of a scheme of intrusive site investigations for the mine entries and shallow coal workings, and which shall have established the exact situation in respect of coal mining legacy features affecting this site and its findings. The intrusive site investigations shall be carried out in full accordance with authoritative UK guidance. Where the findings of the further intrusive site investigations identify that the coal mining legacy on the site poses a risk to surface stability, full details of all measures to protect the development from the effects of such land instability shall also be provided and shall also include the following information as part of the reserved matters application:

   - A layout plan which identifies the exact location of the mine entries found on-site (grid co-ordinates), including calculated zones of influence for the mine entries, and the definition of suitable 'no-build' zones;

   - A scheme of treatment for the mine entries on site for approval;

   - Confirmation that a detailed remediation scheme for the shallow coal working will be required prior to the commencement of development.

6) Where the findings of the further intrusive site investigations (required by condition 5 above) identify that a detailed remediation scheme for the shallow coal workings will be required, no development shall commence until such detailed remediation scheme has been submitted and approved in writing by the Local Planning Authority. The remedial works shall thereafter be implemented in accordance with the approved details and prior to the occupation of any dwellings.

7) The Reserved Matters application for layout and landscaping shall include details of the layout and planting schedule for the habitat enhancement area for bats. The replacement habitat shall be of long sward meadow and scrub, which is accessible to horseshoe bats. The enhancement area will be planted at the earliest feasible date following permission or in accordance with a programme of implementation that shall have been submitted and approved in writing by the Local Planning Authority. The

development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.

8) No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following: -

-Details of the working methods to be employed on site during the construction (and preparation associated with construction) of the site.

- Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included.

- The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and materials;

- Storage of plant and materials used in constructing the development; - Wheel washing facilities;

- Measures to control the emission of dust and dirt during construction; - Delivery and construction working hours.

And shall confirm:

That noise generating activities shall not occur outside of the following hours: - Mon - Fri 08:00-18:00 - Sat 08:00-13:00

- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

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

9) No development shall commence until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 and tree protection plan (9813 TPP 01 Rev A) have been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

(a) Timing and phasing of arboricultural works in relation to the approved development;

(b) Construction exclusion zones;

(c) Protective barrier fencing;

(d) Ground protection;

(e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision;

(f) Service positions; and,

(g) details of any special engineering requirements, including 'no dig construction'.

The development shall thereafter be carried out in strict accordance with the approved details.

10) The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with details shown on drawing

number 18323-102 Rev E. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

11) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, street furniture and tactile paving shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

12) The off-street areas allocated for parking and turning on the approved plans with any reserved matters shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

13) No occupation of the development shall commence until the visibility splays shown on drawing number 18323-102 Rev E have been provided. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays. The visibility splays shall be retained permanently thereafter.

14) No occupation of the development shall commence until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application(s). The development shall be carried out in accordance with the approved details thereafter.

15) No development shall take place until a low emissions/renewable energy strategy, confirming mechanisms and provision that will reduce omission levels arising from the development during the construction process and when it is occupied, have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application(s). The development will thereafter be carried out and retained in strict accordance with the approved details.

16) No work shall commence on the development site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

17) No development shall commence until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should follow the SuDS Management Train and aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (four pillars of SuDS, for example) to meet wider sustainability aims, as specified by the National Planning Policy Framework and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes which naturally fall to the boundary ditch system as stated in JEL/LW/6264/3 "Response to LLFA Comments" dated 3/12/19. All surface water drainage works shall be carried out in accordance with the approved details.

These details shall include: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system;

- If, after further investigation there is found to be significant constraints which may affect the surface water drainage strategy and development, such as high groundwater level or waterlogged ground, a suitable Constraints Masterplan will be undertaken to demonstrate that these areas of constraint have been addressed within the design of the site; - Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters. This should also include a 10% allowance for urban creep;

- Any works required both on and off site to ensure adequate discharge of surface water without causing flooding or pollution, and to demonstrate

the receiving system has condition and capacity to accept a formal connection from the site, (this should include remediation and maintenance of any watercourses under riparian ownership, refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

- Flood water exceedance routes both on and off site, with no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties;

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for any watercourse under riparian ownership of the site, adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

The development should be implemented in accordance with the approved details.

18) No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme. No netting of hedgerows will be permitted.

19) No development shall commence until a management plan for the western boundary hedgerow works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and be retained and maintained as such thereafter.

20) No occupation shall commence until a scheme of ecological and bio-diversity gains has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

a) A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation of five dwellings;

b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of three dwellings;

c) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of five dwellings;

d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of twenty dwellings;

e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

21) No external lighting shall be erected or provided on the site until a 'lighting design for bats' plan has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places.

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the approved design, and these shall be maintained thereafter in accordance with the design. No new external lighting, other than that shown on the approved details, shall be installed within the boundary of the site.

22) No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

23) No individual dwelling shall be occupied until a cycle store for that individual unit(s) has been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The cycle stores shall be permanently retained and maintained in accordance with the approved details thereafter.

24) Foul water drainage works shall be undertaken in accordance with the foul water drainage strategy to be submitted to and approved by the Local Planning Authority. The foul water drainage shall be maintained as such thereafter.

25) The proposed roads, including footpaths and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

END OF SCHEDULE