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## Appeal Decision

Hearing held on 26 July and 2 August 2022

Site visit made on 2 August 2022

**by O S Woodward BA(Hons.) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> August 2022**

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**Appeal Ref: APP/J1860/W/21/3273533**

**Land at Cadmore Lakeside Hotel, Berrington Green, Tenbury Wells, WR15 8TQ**

- 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 Mr and Mrs Ephraims against the decision of Malvern Hills District Council.
  - The application Ref 20/01034/OUT, dated 17 July 2020, was refused by notice dated 14 December 2020.
  - The development proposed is the erection of 25 holiday lodges and associated car parking.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of 25 holiday lodges and associated car parking at Land at Cadmore Lakeside Hotel, Berrington Green, Tenbury Wells, WR15 8TQ, in accordance with the terms of the application Ref 20/01034/OUT, dated 17 July 2020, subject to the conditions set out in the attached annex.

### Application for Costs

2. An application for costs was made by Mr and Mrs Ephraims against Malvern Hills District Council. The application is the subject of a separate Decision.

### Preliminary Matters

3. The appeal is for outline planning permission, with access and scale applied for in full, and layout, landscaping and scale in outline. It has been agreed that the following drawings are the formal drawing set for the appeal: 337.18.04 Rev B and CLH-BWB-GEN-XX-TR-DR-100 S2P3. A number of illustrative drawings and information have also been submitted to which I have had regard as appropriate.
4. In the lead-up to the hearing, a revised Statement of Common Ground (SoCG), dated 26 July 2022, was submitted. The SoCG was signed by both main parties and I accepted it as part of the evidence base for the appeal.
5. At the hearing, the appellant sought to submit The Malverns Visitor Economy Action Plan, undated. This is a Council produced document and I afforded the Council time at the hearing to read and consider it. In light of this, accepting the document did not prejudice the Council or any other party. I therefore accepted the document and have had regard to it in coming to my decision.

6. Amongst others, Mr Connolly spoke in opposition, and Mr Thompson and Mr Cornthwaite spoke in support, of the proposal at the hearing. All three named persons subsequently submitted a written transcript of their speeches, which I have accepted and had regard to in coming to my decision.
7. Policy SWDP 12 of the South Worcestershire Development Plan (the DP), February 2016, was discussed by the main parties at the hearing and a copy of the policy was provided for the evidence base, for completeness.

### *The Existing Hotel*

8. The appeal site includes an existing hotel. A planning permission granted in 2007<sup>1</sup>, permitted the construction of five external lodges and two extensions to the hotel. One of the extensions has been built but only five of the 10 possible bedrooms within this extension are operational. One extension has not been built, but as the permission has been implemented, this extension is extant. Two of the five permitted lodges have been built but were constructed away from the hotel and outside of the appeal site. They would not be affected by the proposal and have not been considered as part of the existing hotel offer for the purposes of the UU, although they are a material consideration for the appeal.
9. A further planning permission was granted in 2017<sup>2</sup>, for the change of use of the building from a care home, which it had briefly become despite previous use as a hotel, back to a hotel. This was implemented but not in full, because the permission allows for 34 bedrooms within the hotel as already constructed.
10. The total number of bedrooms that could be made operational and/or constructed using a combination of the two permissions would be 39, which is the 34 from the 2017 permission added to the five from the not yet built extension from the 2007 permission. This would be an uplift of 11 bedrooms on the current hotel operation, which provides 25 bedrooms in its current layout.
11. A s106 Unilateral Undertaking, dated 23 July 2021 (the UU), has been completed, which, in the event that the proposed lodges are built, removes the hotel owner's rights under the terms of extant planning permissions to extend the hotel or to add any further bedrooms within the existing hotel above the current 25 rooms. This ensures that the overall scale of the combined existing hotel/proposed lodges tourist business could only be either 39 bedrooms within the existing hotel, or up to 25 lodges but with the corresponding number of bedrooms within the hotel capped at the existing 25. This is necessary to control the scale of the proposal, as explored in the remainder of my Decision. I have therefore had regard to the UU as appropriate throughout my Decision.

### **Main Issues**

12. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and,
  - whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance.

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<sup>1</sup> Ref 06/01484/FUL, dated 9 March 2007

<sup>2</sup> Ref 17/01357/FUL, dated 22 November 2017

## Reasons

### *Character and Appearance*

13. The appeal site is a hotel and its extensive grounds, including a man-made lake, a former golf course, extensive wooded areas, and other open land. The land either side of the lake forms a valley with Cadmore Brook at the bottom. The site is highly self-contained, set within this valley, and with wooded areas to the east and thick hedgerows to the west. The small village of Berrington Green lies to the east but there are very limited views of the appeal site from the houses due to the intervening vegetation and the valley. Even in winter, the tree growth is extensive, and views through to the appeal site would be intermittent at most. The site is slightly more open to the west but this only opens up to arable fields.
14. The western slope of the valley is dominated by the golf course. This has been shut for several years and has become overgrown. However, the re-profiling to create the fairways and unnatural straight rows of trees between holes remain. There is a clear and remaining man-made character to this part of the appeal site, whether or not there is any realistic prospect of the golf course ever being brought back into active use. The former pastoral fields have already been replaced across most of the site.
15. The appeal site lies within the Regional Character Area: Teme Valley part of National Character Profile Area 100: Herefordshire Lowlands. It is not typical of these landscape character areas because of the development to create the golf course and lake. However, some of the identified key characteristics are still reflected on the site, in particular good representation of tree cover, some albeit limited elements of pastoral farming land, occasional steep-sided hills in the valley, and tranquillity.
16. Overall, despite its partially man-made nature and limited landscape key characteristics, the appeal site presents an attractive character and appearance. The combination of the lake, wooded areas and more open land in the valley setting create a tranquil, verdant and pleasant setting. In addition, two Public Rights of Way (PRoW)<sup>3</sup> run through the appeal site, broadly north-south and east-west. These have already been unofficially re-directed when the lake was formed, in the 1970s, but remain alongside and near to the lake. There are further PRoW<sup>4</sup> alongside or near the boundary of the site. These provide clear visibility of the entire appeal site and functional and cultural linkages between the appeal site and visitors and residents within the surrounding area.
17. It is proposed to construct 25 lodges within the grounds of the hotel. Layout, landscaping and the detailed design are in outline. The appellant has stated that it is its intention to construct chalet-style, timber lodges of high quality, mostly on the former golf course land. Car parking is likely to be near to the existing hotel, rather than by the relevant lodge, minimising the amount of access related built development that would be required.
18. The proposal would urbanise the appeal site. However, this is in the context of the proposed lodges being on the golf course land, which is already a man-made intrusion into the landscape, albeit largely still grass and trees. The detail

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<sup>3</sup> 736(C) and 543(C)/542(C)

<sup>4</sup> In particular 524(C) and 738(C)

of the layout of the lodges so that they respond to the natural topography and landscape setting would be important. As would the detailed design of the lodges themselves. Importantly, an illustrative masterplan layout has been provided which confirms that 25 lodges could be located on the former golf course land with sufficient remaining land for fairly extensive landscaping. It would remain in the control of the Council to ensure high quality lodges and a suitable layout, through future reserved matters submissions and condition discharge applications.

19. The scale of the proposal would be relatively large in comparison to the existing hotel. However, subject to the above controls, the appeal site could accommodate 25 lodges in an attractive layout and landscape context. Importantly, it would only require the golf course land and not the small areas of remaining pastoral fields, wooded areas, or even the land to the very top of the valley. The existing fairways provide relatively flat land which would limit the amount of re-profiling required. The key characteristics of the existing landscape, in particular tree cover and the steep sided valley, would therefore be preserved. The visual effects from the proposal would also be largely contained to the appeal site itself, apart from extremely constrained and intermittent views through extensive retained woodland from some properties at Berrington Green. The amount of supporting infrastructure, eg roads, could be minimised by only providing car parking near the hotel, and then using other forms of transportation, eg golf buggies, to access each lodge. Again, control of this would remain with the Council through the reserved matters and/or condition discharge processes.
20. The most significant effects would be to the guests of the hotel and to users of the PRow. In addition to the controls through the planning system as outlined above, there is self-interest for the appellant to ensure that the outlook from the guests of the hotel would not be harmed by the proposal. There would be more significant changes to the experience of users of the PRow. These are sensitive users, who likely use the footpaths for recreational purposes and appreciate the attractive and tranquil nature of the appeal site. However, the effect on these users would be partially mitigated by the proposed landscaping and layout, which could be controlled by condition to ensure that the lodges would be in an attractive setting, with minimal changes to the existing land profile. The effect of lighting could also be effectively controlled by condition. There would even be opportunities to enhance elements of the existing landscaping, where the existing trees have been planted in unnatural straight rows alongside the fairways.
21. Overall, the proposal would introduce urban form to an existing tranquil and attractive countryside setting. However, the specific part of the appeal site that would be directly affected is a former golf course that has already introduced a man-made, slightly artificial, character and appearance. The proposal could largely be contained within existing profiled fairways, and there would be the opportunity for extensive landscaping, that would at least partly mitigate and potentially enhance the overall character and appearance of the site. The key characteristics of the landscape would not be harmed apart from a low level of harm to tranquillity, which needs to be set against the potential visual enhancements from the proposed landscaping. This conclusion relies heavily on the design detail and layout still to come forward as part of any future reserved matters applications or condition discharge submissions. However, the Council would remain in control of approving such detail. I am satisfied that the overall

scale could be accommodated on the appeal site whilst providing a successful layout and appropriate landscape mitigation.

22. The proposal would therefore preserve, and potentially enhance, the character and appearance of the area. It complies with Policy SWDP 2 of the DP which requires proposals to safeguard the open countryside and to be of an appropriate scale for local landscape character. It complies with Policy SWDP 21, which requires high quality design. It complies with Policy SWDP 25 which requires that proposals take account of the key characteristics of landscape character. It complies with Policy SWDP 35, which requires new visitor accommodation outside a development boundary to be of an appropriate scale and ancillary to existing accommodation. It complies with Policy SWDP 36, which requires caravan/chalet development to be visually unobtrusive and well-screened with appropriate landscaping and design. I acknowledge that the reasoned justification for this policy states that small sites of 10 pitches or fewer are preferred, but this is not set as a limit, either in the reasoned justification or the policy itself. It complies with Paragraph 85 of the National Planning Policy Framework (the Framework) which requires countryside development to be sensitive to its surroundings. It also complies with Paragraph 174b of the Framework, which recognises the intrinsic character and beauty of the countryside.

#### *Location*

23. The appeal site is located in the countryside, accessed from an unnamed country lane. The nearest village, Berrington Green, has no services or facilities. The nearest town, Tenbury Wells, has a significant range of services and facilities, but it is approximately two miles away by road. There are no easily accessible bus routes. The surrounding roads are country lanes, unlit, and many without footpaths, further discouraging their use by modes of transport other than the car.
24. However, there would be some mitigation from the facilities and services offered by the current hotel, which would be useable by the future guests of the lodges. Activities that could be undertaken without the need for car based transport, such as walking using the PRow that cut through the appeal site, would also be possible. It is also likely that some visitors would choose the lodges precisely because the site is visually self-contained and relatively remote and would not make many journeys. In addition, although it is not feasible to upgrade such an expanse of road network with cycle lanes or similar, Tenbury Wells is close enough to be a relatively easy cycle ride along the existing road network. A Travel Plan could be required by condition which could encourage sustainable modes of transport.
25. Overall, though, it is clear that the majority of journeys made by visitors and employees of the proposed development would be by car. However, this is a function of the countryside setting of the appeal site. It is not feasible nor even desirable that all development always be easily accessible by public transport or by foot/cycle, because this would preclude huge swathes of the country from development. Paragraph 105 of the Framework explicitly recognises this, acknowledging that the use of sustainable transport options varies between rural and urban areas. Paragraph 85 also states that planning decisions should recognise that sites to meet local business may have to be found in locations that are not well served by public transport. As set out above, the appeal site

does offer some alternatives, either not to travel at all through co-location with the existing hotel and its facilities, or for activities such as walking, in addition to being accessible to Tenbury Wells by cycle.

26. The proposal would, therefore, be an appropriate location for the proposed holiday accommodation and, in the context of its location, would minimise the need to travel. It therefore complies with Policy SWDP 4 of the DP, which requires development to minimise the need for travel and to offer sustainable transport choices. It complies with SWDP 2 which does not explicitly prevent development outside of development boundaries, providing it complies with other relevant development plan policies. It complies with Policy SWDP 9, which particularly highlights in its reasoned justification that tourism development can be directed to rural locations accessible by a choice of means of transport. It complies with Policy SWDP 21, which requires maximising opportunities for pedestrian and cycle linkages.

## **Other Matters**

### *Re-use and/or Extension of Existing Hotel*

27. The existing hotel has extant permissions for further expansion, both through internal re-working and through an extension. It would also be possible, in theory, to make an application to further extend the hotel to provide additional visitor accommodation, rather than through lodges as proposed through the appeal.
28. However, I must assess the proposal as submitted rather than potential alternative proposals. There is very limited policy requirement for the re-use and/or extension of the existing hotel as a preferred alternative to the proposed lodges. The reasoned justification for Policy SWDP 36 refers to making the best use of existing accommodation in the countryside, but this does not make explicit whether 'extension' relates to physical extensions to existing buildings/facilities or whether it could equally apply to extensions to existing facilities in the more general sense of general ancillary development, as is proposed for the appeal scheme. Paragraph 84 of the Framework states that the sustainable expansion of rural businesses should be enabled and explicitly states that this can include well-designed new buildings. Therefore, I place limited weight on the potential alternative of extending the hotel building.

### *Highway Safety and Traffic Generation*

29. As set out above, the proposal as controlled through the UU would only afford an increase of 11 units of accommodation compared to what could be constructed under extant planning permissions. It is important, however, to remain cognisant that the proposed lodges would likely accommodate more persons, and therefore generate more traffic, than each individual room in the existing or as extended hotel. This has been reflected in a Transport Statement submitted by the appellant, initially in 2019 (TS 2019) and then as updated in 2020 (TS 2020). The TS 2020 finds that the traffic that would be generated by the proposal would be up to approximately three two-way vehicle trips in the AM peak and eight two-way vehicle trips in the PM peak. Sensitivity tests were also undertaken, demonstrating very low increases or decreases to the number of trips based on different expected travel patterns and baselines.



30. The TS 2019 examined road safety data and found there has been no recorded incidents resulting in injury in the most recent five year period. A speed survey was undertaken, recording 85th percentile speeds of 35.6 mph travelling northbound and 35.3 mph speeds travelling southbound along the unnamed road. This reflects my observations on my site visit where, although the majority of the road has a national speed limit of 60 mph, its nature, being narrow, bendy, uneven, and having many entrances and exits such as driveways, naturally limits the speed of vehicular traffic along the road. Local residents have highlighted the potential for safety issues with HGV's, particularly because of the commercial garden centre just to the north. However, there are passing places along the road, and the safety data would have captured accidents if they had occurred in the past.
31. Access has been applied for in full and visibility splays would be required either side of the proposed access point. This could be secured by condition and it has been demonstrated that the size of the visibility splays accord with the 85<sup>th</sup> percentile traffic speeds and that they only cover either the appellant's land or land owned by the Highway Authority, and could therefore be maintained.
32. Overall, the proposal would not generate significant traffic. There are no substantiated concerns with highway safety at present and the proposal would not result in a material change to the existing conditions. The Highways Authority have not objected to the proposal. It is therefore acceptable in terms of highway safety and traffic flow.

#### *Public Rights of Way*

33. As discussed above, the proposal would involve diverting two existing PRoW. The existing PRoW have already been unofficially diverted following the creation of the pond. The proposal would necessitate formalising the existing diversions and providing a further diversion alongside the eastern edge of the lake. The Worcestershire Ramblers Association has objected to the diversion to the eastern shore of the lake because it is shorter. However, the Council's Public Rights of Way Team has confirmed that the proposed diversions are sensible and that they do not object. The proposed diversions, if slightly shorter, would be in a very similar location and would maintain the existing connections to PRoW off-site. Importantly, the proposal would not need to be constructed over the proposed new or existing, where to be retained, routes. I am therefore satisfied that the proposal would protect the existing PRoW and access to them.

#### *Teme Valley Site of Special Scientific Interest (Teme SSSI)*

34. The appeal site lies nearby to the Teme SSSI. Natural England (NE) has confirmed that the proposal could have potential significant effects on the SSSI due to foul drainage, surface water run-off, and potential effects on otters and white-clawed crayfish. However, NE has also confirmed that the relevant safeguarding measures would be most appropriately defined at the reserved matters stages or controlled by conditions in relation to a construction environmental management plan, lighting design, and biodiversity management plan(s). It has therefore been demonstrated that the proposal would not unacceptably harm the Teme SSSI and that appropriate mitigation and other measures could be secured.

### *Interested Parties*

35. Several letters of objection have been submitted. In addition, three local residents spoke in opposition to the proposal at the hearing. The letters of objection and comments at the hearing raised various concerns in addition to those addressed above, including: air quality concerns from the pollution from the cars that would be used to access the proposal; noise and disturbance to existing residents from the future users of the lodges which would specifically be a problem due to the shape of the valley, and would be more disturbing than noise from the existing hotel which is internal; concerns that the proposed mitigation measures regarding biodiversity would not be successful in the context of the additional recreation pressure; the priority should be the sustainability of the existing operation rather than expansion; the economic rationale for the proposal is questionable given the likely costs of construction; and, the hotel pool closed in July 2022 due to the increased cost of heating, which needs to be taken into account as part of the current and future offer of the ancillary hotel facilities.
36. It was confirmed by the appellant at the hearing that the hotel pool has closed. This is partly because of increased heating costs and partly staffing costs because it needs full-time lifeguards because of its depth. The appellant intends to partially infill the pool to make it shallower over the winter, whereupon it would have reduced running costs and can re-open. I am therefore satisfied that the pool can be considered as a viable long term part of the facilities at the hotel. With regard to the other matters, many were considered by the Council as part of the Officer's Report and were not found to be reason(s) for refusal. No substantiated evidence has been submitted that leads me to any different view. Many of the factors could be effectively addressed by conditions.
37. Several letters of support have also been submitted, including from Tenbury Town Council, and four people spoke in support of the proposal at the hearing, including Councillor Cornthwaite from Tenbury Wells Town Council. In addition to those matters raised above, they state that: the proposal would provide a much needed economic benefit to the area through increased tourism; that tourists increasingly want flexible accommodation; that there would be minimal impacts on infrastructure; that there are significant health benefits from retreat style weekends and that the proposal could offer appropriate accommodation to meet this demand.

### **Conditions**

38. An agreed schedule of planning conditions was provided as part of the SoCG. The schedule was discussed at the hearing and a number of amendments were agreed. In addition, I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity.
39. In addition to the standard conditions requiring the submission of the relevant reserved matters applications, their timeliness, and the timing of the implementation of the proposal, a condition specifying the relevant drawings provides certainty.



40. The materials, tree protection, hard and soft landscaping, landscaping planting, Landscape Management Plan and lighting design conditions are necessary to preserve or enhance the character and appearance of the area.
41. The lighting design, Construction Environment Management Plan and Biodiversity Management Plan conditions are necessary to ensure that the proposal does not unacceptably harm biodiversity, and in particular that it does not cause significant effects to the Teme SSSI.
42. The passing bay, access closure and construction and visibility splays conditions are necessary to ensure highway safety.
43. The Travel Plan condition is necessary to encourage the use of sustainable forms of transport.
44. The condition to limit the number of proposed lodges to 25 is necessary to ensure the scale of the proposed development is acceptable and that it could be accommodated satisfactorily whilst protecting or enhancing the character and appearance of the area.
45. The two surface water drainage conditions are necessary to control both the design of the lodges and landscaping, and the drainage infrastructure in relation to controlling surface water run-off and drainage.
46. The archaeology condition is necessary to ensure that construction does not cause unacceptable harm to archaeology.
47. The condition restricting occupancy of the proposed lodges to be for short-term lets only is necessary to ensure that the proposal is for tourism accommodation and not permanent residential accommodation.
48. The materials, drawings of the passing bay, Drainage Strategy, tree protection, and archaeology conditions are conditions precedent but I am satisfied that a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure(s) which could be used. The appellant has confirmed acceptance of the pre-commencement conditions.

## **Conclusion**

49. I have found no conflict with the relevant development plan policies and thus there is no conflict with the development plan as a whole. I find no conflict either with the policies of the Framework when taken as a whole. For the reasons set out above, I therefore conclude that the appeal should succeed.

*O S Woodward*  
INSPECTOR

## **ANNEX A: APPEARANCES**

### **FOR THE APPELLANT:**

Odette Chalaby  
John Williams  
Nathaniel Healy  
Nick Ferguson

Pupil Barrister, No5 Chambers  
Director, PlanIT Planning and Development  
Director, Red Kite Network Limited  
Hotel Manager and Owner, Cadmore Lakeside  
Hotel

### **FOR THE LOCAL PLANNING AUTHORITY:**

Lee Walton  
Anna Priestley

Principal Planning Officer, Malvern Hills DC  
Planning Officer, Malvern Hills DC

### **INTERESTED PERSONS:**

Richard Connolly  
Simon Wallace  
Paul Kinsella  
Anthony Evans  
Cliff Slade  
Graham Brittain  
Anthony Cornthwaite  
Garry Thompson

Local resident  
Local resident  
Interested party  
Local resident  
Local resident  
Local resident  
Tenbury Wells Town Councillor  
Treasurer, Tenbury Chamber of Trade

## **ANNEX B: DOCUMENTS**

- 1 The Malverns Visitor Economy Action Plan, undated
- 2 Email dated 31 May 2022, from Garry Thompson
- 3 Undated transcript, from Andrew Cornthwaite
- 4 Undated transcript, from Richard Connolly
- 5 Policy SWDP12, from the South Worcestershire Development Plan 2016

## **ANNEX C: SCHEDULE OF PLANNING CONDITIONS**

- 1) Details of the appearance, landscaping and layout, (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: CLH-BWB\_GEM-XX-TR-DR-100\_S2\_P3, and Site Location Plan 337-18-04-Rev B.

### **Pre-commencement**

- 5) Prior to commencement of development, samples of the materials to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved samples.
- 6) Prior to commencement of development, drawings of the highway offsite works to provide a passing bay in the location of the existing access shall have been submitted to and approved in writing by the local planning authority. The lodges shall not be occupied until the passing bay has been constructed in accordance with the approved details and is open to traffic, and the passing bay shall thereafter be retained.
- 7) Prior to commencement of development, detailed design drawings for surface water drainage, with respect to the permeable surfaces and lodge design, shall have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 8) Prior to commencement of development, including site clearance and preparatory work, a scheme for the protection of any trees and hedgerows to be retained (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 9) Prior to commencement of development, a programme of archaeological work, including a Written Scheme of Investigation (WSI), shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
  - a) the programme and methodology of site investigation and recording;

- b) the programme for post investigation assessment;
- c) provision to be made for analysis of the site investigation and recording;
- d) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) provision to be made for archive deposition of the analysis and records of the site investigation; and,
- f) nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The lodges shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

### **Reserved matters**

- 10) As part of the relevant reserved matters application(s), details of the hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include:
  - a) a full specification of all proposed tree and hedgerow planting;
  - b) means of enclosure;
  - c) hard surfacing materials; and,
  - d) an implementation programme.
- 11) As part of the relevant reserved matters application(s), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
  - a) a risk assessment of construction activities and measures to protect the watercourse from pollutants;
  - b) identification of a 'biodiversity protection zones' adjacent to the existing watercourse which will be kept free from construction traffic and activity;
  - c) the finished design of areas which will be used for temporary and permanent car parking and the measures to avoid impacts on the watercourse;
  - d) the siting and design of the sewage treatment plant, if required;
  - e) the location and timing of sensitive works to avoid harm to biodiversity features;
  - f) the times during construction when specialist ecologists need to be present on site to oversee works;
  - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and lines of communication; and,
  - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented through the construction phases strictly in accordance with the approved details.

- 12) As part of the relevant reserved matters application(s), a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include:
- a) long term biodiversity enhancement and management of the site and the watercourse in line with recommendations in the various survey reports;
  - b) the creation of new wildlife features (for the whole site); and,
  - c) tree, hedgerow, shrub planting and establishment.

The works shall be carried out strictly in accordance with the approved details and shall be retained thereafter. On completion of works the development shall be inspected by a qualified ecologist and a statement of conformity and a copy of any bat licences and licence monitoring returns as appropriate shall be submitted to the local planning authority to confirm the mitigation, compensation and enhancement measures for biodiversity have been successfully implemented.

### **Pre-occupation**

- 13) The lodges shall not be occupied until:
- a) the existing vehicular / pedestrian access have been permanently closed in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority; and,
  - b) the means of access as shown on the BWB access drawing ref: CLH-BWB\_GEM-XX-TR- DR100\_S2\_P3 has been constructed in accordance with the approved plans.

The access shall be retained thereafter.

- 14) The lodges shall not be occupied until a Travel Plan that promotes sustainable forms of travel to the development site has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.
- 15) The lodges shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the appeal site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 55.6m northbound and 55.1m southbound respectively in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 16) The lodges shall not be occupied until a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to



and approved in writing by the local planning authority. The Landscape Management Plan shall be carried out as approved.

- 17) The lodges shall not be occupied until a 'lighting design strategy for biodiversity' relating to the development (including the car parking area) has been submitted to and agreed in writing by the local planning authority. The strategy shall address:
- (a) all nocturnal wildlife interests, including but not exhaustive, bats that may be foraging across the site or along the watercourse; and,
  - (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be retained thereafter in accordance with the strategy.

- 18) The lodges shall not be occupied until details of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

### **Compliance**

- 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) There shall be no more than 25 lodges on the site. Any lodge unit positioned on the site shall meet the definition of a caravan as set out in section 29 of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan sites Act 1968.
- 21) The lodges shall be restricted to short-term holiday letting purposes only. In particular:
- a) no individual shall reside on site in any accommodation hereby permitted for more than 28 consecutive days and for no more than for a total of 140 days in any calendar year;
  - b) the owner/ operator of the holiday/ visitor accommodation shall maintain an up-to- date register of the names of all owners/ occupiers of the units. This register shall be made available within 1 calendar month of a written request by the local planning authority; and,
  - c) the holiday/ visitor accommodation shall not be occupied as a person or persons' persons' sole, or main place of residence.

===== END OF SCHEDULE =====