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## Appeal Decision

Inquiry Held on 11 October 2022

Site visit made on 11 October 2022

**by Peter Mark Sturgess BSc (Hons), MBA, MRTPI**

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

**Decision date: 04 November 2022**

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**Appeal Ref: APP/H1840/W/22/3300326**

**Land to the West of Ivy Lane, Bretforton, Evesham, Worcestershire, WR11 7HP**

- 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 Beechcroft Land Limited against the decision of Wychavon District Council.
  - The application Ref W/22/00202/OUT, dated 21 January 2020, was refused by notice dated 27 April 2021.
  - The development proposed is the demolition of existing stables and the erection of up to 29 dwellings (40% affordable housing) alongside a new access, drainage, landscaping and other associated works.
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### Decision

1. The appeal is allowed and planning permission granted for the demolition of the existing stables and the erection of up to 29 dwellings (40% affordable housing) alongside a new access, drainage, landscaping and other associated works (outline with all matters reserved, except for access) in accordance with the details submitted with planning application Ref: W/22/00202/OUT on land to the West of Ivy Lane, Bretforton, Evesham, Worcestershire, WR11 7HP, subject to the conditions set out in Annex A.

### Procedural Matters

2. The Council did not defend reason for refusal 1 related to the location of the development. As a result, whilst the Council did not present evidence in chief on this matter, the appellant outlined their evidence related to the location of development in the conventional way. As the Council was not defending reason for refusal 1 there was no cross examination on this matter.
3. In terms of matters in dispute between the parties there remained those in an obligation made under s106 of the Town and Country Planning Act 1990 (the obligation). A draft obligation had been submitted in advance of the Inquiry. I dealt with matters relating to the obligation at a roundtable session.
4. The proposal is in outline with all matters reserved apart from access. I questioned at the Inquiry the plans upon which the Council made its decision as there was a difference between those referred to by the Appellant and those the Council referenced on the decision notice. It was agreed by the parties that the relevant plans are those that are referred to in the suggested conditions set out at page 13 of the Statement of Common Ground (SoCG) which has been

signed by the parties. It is these plans I have had regard to during the course of the appeal and I shall treat all other plans which have been submitted as being for illustrative purposes only.

## **Background and Main Issues**

5. The main issues are:

- whether the proposal is in an appropriate location for new housing development having regard to the policies of the development plan;
- whether the requirements of the Council in terms of the need for a planning obligation to cover the provision of affordable housing, off-site provision of formal sports and leisure facilities, off-site and on-site open space, healthcare facilities, education facilities and transport infrastructure comply with the National Planning Policy Framework (the Framework) and the Community Infrastructure Levy Regulations 2010 (the Regulations).

## **Reasons**

### *Location of the proposed development*

6. The site is located on the edge of Bretforton and is currently used for the grazing of horses. It is divided by post and rail fences into small paddocks and contains a stable block. It is largely surrounded on three sides by houses, some with large gardens, and is accessed from Ivy Lane. On the remaining side is open agricultural land. In the appeal proposal the access would remain in the same position as it is currently located. Bretforton is a village that provides a range of services which are within walking distance of the appeal site, including at least 1 shop, public house, a school and access to bus services.
7. The development plan for the area includes the South Worcestershire Development Plan, adopted in February 2016 (SWDP). Policy SWDP 2 of the SWDP sets out a development strategy which, amongst other things, defines Bretforton as a category 2 village. This Policy allows for infill development within the defined development boundaries of these villages, subject to more detailed Plan policies. The SoCG is clear that the site lies outside the defined development boundaries of Bretforton. Consequently, the proposal is in conflict with this Policy of the Development Plan.
8. However, Policy SWDP 1 "*Overarching Sustainable Development Principles*" acknowledges at paragraph D that policies can become out of date over time and that where they do the Council will grant permission, unless material considerations indicate otherwise and taking into account whether "*any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*". This reflects the approach of the Framework at 11(d)(ii).
9. The SoCG and the joint opening statement prepared by the Council and the Appellant, accepts that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites. In such circumstances the Framework defines policies which are most important for determining the application as out of date where they are applied to applications involving the provision of housing. Therefore, and for the purposes of this appeal, Policy SWDP 2 referred to above is out of date and planning permission should be granted unless any

adverse impacts in doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

10. In advance of the Inquiry the Appellant and the Council agreed a table of adverse impacts and benefits of the proposal. The table identified as an adverse impact a conflict with Policy SWDP2 in that it would spread built development beyond the defined development boundary of the village. However, it also identified a range of benefits, including a contribution to the delivery of a 5-year supply of housing sites, delivery of affordable housing, support for local services, support for the local economy, new planting, provision of public open space and conformity with the development plan as a whole as benefits. I agree with the contents of the table, and also having regard to the evidence I heard at the Inquiry I conclude that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
11. Therefore, in terms of the development plan, Policy SWDP 1 acknowledges that development plan policies can become out of date. In these cases the adverse impacts of the development must significantly and demonstrably outweigh the benefits for the proposal to be unacceptable in terms of this Policy. In this respect the policy mirrors the approach of the Framework.
12. It is clear given the substantial range of benefits the proposal would bring, balanced against the limited harm the proposal would cause to the purpose SWDP2 is meant to serve, that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Whilst this is the approach of the Framework, it is also incorporated in Policy SWDP 1 of the SWDP. Therefore the proposal is in conformity with Policy SWDP 1. Consequently the proposal is in an appropriate location for development having regard to the policies of the development plan as a whole.

### **The planning obligation**

13. The Council require the appellant to enter into a planning obligation in accordance with s106 of the Town and Country Planning Act 1990 in order to provide for facilities or contributions that would mitigate the impact of the development on the area. In order to comply with the provisions of the Regulations and the Framework any planning obligation needs to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Whilst the obligation covers a wide range of detailed requirements I have grouped these by affordable housing, off site formal sport and leisure provision, off-site formal sports provision, open space contribution, healthcare contribution, transport infrastructure contributions and education contribution, in order to aid clarity.

### *Affordable Housing*

14. The Council has raised the matter of a contribution towards the on-site provision of affordable housing. Evidence has been presented that there is a need for affordable housing both in the District and in the area within which the appeal site is located. Moreover the proportion of affordable housing required is

in accordance with the provisions of the development plan. I therefore consider that the requirement for affordable housing complies with both the requirements of the Regulations and those of the Framework, as set out above.

*Off-site formal sports and leisure contribution*

15. The Bretforton Sports Club provides facilities for sports and leisure within the village. It has been identified that the proposed development will place additional pressure on this facility. Evidence has been presented that the club and its pavilion is in need of improvement in order to accommodate the additional pressure the proposed development might bring.
16. I am therefore satisfied that the proposed contribution meets the tests set out in the Regulations and those of the Framework, as set out above.

*Off-site formal sport contribution*

17. The Council has identified through Policy SWDP 39 a need for a contribution towards the provision of formal sports facilities in the area where provision cannot be made within the site. The appeal proposal is at a scale where formal sports provision or an off-site contribution towards the provision of formal sports facilities in the area would be required in terms of Policy SWDP 39.
18. The appellant has questioned the need for this contribution based on the lack of specificity as to where the contribution would be spent. I have reviewed the evidence submitted by the parties on this matter and it is clear to me that the proposed development would introduce more residents into the village and this, therefore, would put more pressure on the existing formal sports facilities. It is equally clear that whilst some capacity exists at the football and cricket pitches there is a need for these to be improved<sup>1</sup> and these improvements would assist in accommodating the pressure resulting from the proposal. It is therefore clear that there are specific improvements which could be made to off-site sports facilities in order to accommodate the additional pressure brought about by the appeal proposal. Consequently I consider that a contribution towards off-site formal pitch contribution to be necessary and directly related to the proposed development.
19. The contribution is calculated in accordance with a formula which is applied to all developments of this nature in the District. As a result I find that the contribution is also fairly and reasonably related in scale and kind to the development.
20. Therefore and in view of the policy basis for the requirement and the application of a specific calculation in order to arrive at the appropriate level of contribution I find that the contribution meets the tests set out in the Framework and Regulations, as set out above.

*Off-site open space contribution*

21. The Council has identified through Policy SWDP 39, on sites that exceed 5 dwellings, a need for the provision of open space together with arrangements to secure its long term management and maintenance. It accepts that on certain sites the on-site provision of open space might not be possible and in these cases it requires a contribution towards its provision elsewhere.

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<sup>1</sup> See page 71/13 of Wychavon District Council, 'Playing Pitch and Outdoor Sports Strategy and Action Plan' December 2021, Final Version (Amended July 2022)

22. The appeal proposal is at a scale where the provision of open space would be required by Policy SWDP 39. This is calculated in accordance with a formula which in my judgement is a reasonable way of determining what is necessary for this development. I therefore find that the required contribution is necessary to make the development acceptable, is directly related to the development and is fairly and reasonably related to the development in scale and kind. Consequently it complies with the provisions of the Regulations and the Framework, set out above.

#### *Healthcare contribution*

23. At the Inquiry there was some disagreement amongst the parties as to whether a contribution towards primary health care was justified in terms of the Regulations and the Framework. In seeking the contribution the Council is relying on the response it has received from the Herefordshire and Worcestershire Clinical Commissioning Group (CCG).
24. The CCG use a formula based on a notional 70 residents from the proposal using primary healthcare facilities in the area. This they state would increase the demand placed upon existing services. Within the response there is no analysis of the capacity of the existing services to absorb this additional demand.
25. The Council in assessing whether to require a contribution from the proposal towards the provision of primary healthcare services has referred to Policy SWDP 7 of the SWDP. This Policy is a general infrastructure policy which refers to 'social' infrastructure as well as physical and green infrastructure. Consequently, there is a policy basis for this contribution.
26. However, the Council has also referred to its Developer Contributions Supplementary Planning Document (SPD) which gives further detail on how requirements of contributions to primary healthcare facilities will be assessed. In particular paragraphs 2.6.1 and 2.6.3. These state, amongst other things, that new residential development may be required to contribute towards the provision of additional GP infrastructure unless there is sufficient capacity at existing surgeries to cope with the need arising from new development.
27. Furthermore at paragraphs 2.6.10 states that the threshold for contributions will depend on the level of surplus capacity at the nearest primary healthcare facility. Finally paragraph 2.6.11 states that contributions for developments of 50 dwellings or less will only be sought where there is significant existing over subscription of GP lists.
28. Consequently, whilst there is a policy basis for this contribution, the lack of any information on the capacity of the existing primary healthcare facilities in the area means that a contribution would not conform with the provisions of the SPD. I accept that the addition of a possible 70 residents would increase the amount of people who would need to access the primary healthcare facilities in the area. However the lack in any of the evidence that existing primary healthcare facilities are oversubscribed, and therefore new capacity is needed to accommodate the proposal, means that I cannot be certain that the contribution is necessary in order to make the development acceptable in planning terms. Moreover, if a contribution were to be made it is not clear that this would be fairly and reasonably related in scale and kind to the development. This is because it would be providing for additional capacity in

primary healthcare facilities which would not clearly be required as a result of the appeal proposal.

29. The Council submitted a recent appeal decision<sup>2</sup> where the Inspector had found that a contribution to primary health care facilities in the District did comply with the Regulations. However, it was clear from this decision that the contribution had not been challenged by the appellant. It is also not clear from the decision what documents the Inspector reviewed in reaching that conclusion and whether the capacity of existing primary health care facilities in Evesham could accommodate the additional pressure brought about by the development. Therefore whilst I have taken account of this decision it does not alter my view in this case that a contribution towards primary health care facilities in the area of the appeal site does not comply with the provisions of the Regulations or the Framework for the reasons set out above.
30. I therefore find, for the reasons given above, that a developer contribution towards the provision of primary healthcare facilities does not comply with the provisions of the Regulations and the Framework as set out above.

#### *Transport infrastructure contribution*

31. The planning obligation includes a range of contributions to transport infrastructure including to school transport, bus infrastructure, community transport, improvements to pedestrian access and improvements to cycling infrastructure. This requirement is supported by SDWP 7. Furthermore the need for them is demonstrated by evidence from the County Highway Authority. Moreover, there is a formula which sets out how each contribution has been calculated.
32. I therefore find that the proposed contributions conform with the Regulations and the Framework, as set out above.

#### *Education contribution*

33. The consultation response from the Worcestershire Children's Services highlights a lack of capacity in early years provision in the locality. Policy SWDP 7 supports the provision of educational facilities. This is reinforced by the Council's developer contributions SPD which requires a contribution towards the provision of early years places where there is a lack of capacity in existing educational infrastructure to cope with the needs arising from the proposed development.
34. Therefore I find that the proposed contribution conforms with the Regulations and the Framework, as set out above.

#### *Conclusion on the planning obligation*

35. Overall I find that the majority of the provisions of the planning obligation meet the tests set out in the Regulations and the Framework. I have found that the contribution towards primary health care facilities is not necessary as there is no evidence that shows the existing facilities are either at or beyond capacity as required by the SPD.

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<sup>2</sup> APP/H1840/W/22/3291830, Land off Swan Lane, Evesham, WR11 4PB

## Other Matters

36. Matters have been raised by those commenting on the application concerning traffic and highway safety. The site would be accessed via an existing estate road. Whilst I note that there is parking along the existing roads in the area this would not harm highway safety in the area with the proposal in place as in my judgement there would still be capacity to accommodate traffic generated from the proposal. Moreover I am satisfied that the speed of traffic entering or leaving the development would be low given the configuration of the roads. Therefore I do not consider that the proposal would be likely to either cause congestion in the area or add to highway danger.
37. In terms of drainage and sewage disposal these matters are capable of being dealt with through the imposition of appropriate conditions which have been proposed by Severn Trent Water and the Lead Local Flood Authority.
38. The proposal has the potential to increase the amount of artificial light and noise in the area. However the scale of the proposal is not large and it would occupy an area which is adjoining existing housing development. Moreover, any noise generated would be of a domestic nature and would not be that different from the noise generated by the existing houses. Therefore I do not consider that any noise generated by the development would be unacceptable. Furthermore external light generated by the development is capable of being controlled by conditions should the appeal be allowed.
39. The site has no nature conservation designation and there is no evidence of the site being used regularly by protected species. I therefore consider that the proposal would be unlikely to harm nature conservation interests in the area. Moreover should the appeal be allowed a condition related to the protection of ecological interests in the area would be attached to any planning permission granted.
40. The proposal would extend the village into the countryside. However it is located adjacent to the built up area of the village and would have built development on 3 sides. Therefore whilst the development would extend the built area of the village into the countryside, this would not unduly harm the form of the village nor would it lead to an unacceptable loss of countryside around the village.
41. I am satisfied that all the matters relating to the relationship of the proposed development to existing dwellings are capable of being adequately addressed through the reserved matters process.
42. I am confident, should the appeal be allowed, with the planning obligation in place, the matters around the pressure on existing early years provision can be addressed.
43. I have been directed towards a number of appeal decisions and judgements both in the area and elsewhere concerning the 5-year supply of deliverable housing sites and the weight to be given to development plan policies in these cases and another matter related to the planning obligation. I have accepted that the Council does not currently have a 5-year supply of deliverable housing sites, as does the Council. I have dealt with the matter related to the planning obligation at the appropriate point above. Therefore, whilst I have had regard

to these decisions they do not alter my conclusions on the main issues as set out above.

### **Conditions**

44. In deciding which conditions are necessary in order to comply with the tests for conditions in the Framework I have had regard to the conditions set out in the SoCG. However, where necessary in the interests of clarity I have re-worded conditions as appropriate.
45. Therefore I have included conditions which are normally included in outline permissions that relate to the timing of submissions and commencement of development. In addition given the proximity of boundary trees to some parts of the site I consider that the additional landscaping condition given in the SoCG is also necessary as is a condition related to the provision of green infrastructure, given the site's proximity to the open countryside.
46. In the interests of clarity a condition is necessary that references the approved plans.
47. In terms of other conditions I have indicated above that I consider conditions related to foul and surface water drainage are necessary in order to ensure that the site is adequately drained, the potential for it to cause drainage problems elsewhere are mitigated and the approved measures are implemented.
48. Given the possibility of archaeological remains being present at the site conditions requiring the investigation of the site prior to development is necessary to ensure any remains that might be present at the site are recorded.
49. The appeal site is close to existing houses and would be accessed using existing estate roads. Therefore in order to protect the living conditions of the nearby residential occupiers a condition requiring the submission and implementation of a construction environmental management plan is necessary in order to protect the living conditions of neighbouring residents during construction.
50. Given the site's proximity to open countryside, the presence of existing structures on the site and surrounding trees I consider that a condition requiring the submission of an ecological mitigation and enhancement scheme is necessary in the interests of nature conservation and the protection of biodiversity.
51. The site is on the edge of the village and adjacent to open countryside. I therefore consider that a condition controlling the installation of external lighting within the proposed development is necessary in order to protect the character and appearance of the area.
52. In order to ensure that the living conditions of future occupiers of the proposal are protected, and to ensure that the character and appearance of the area is maintained, once the proposed development is completed, a condition to ensure the landscaped areas are properly maintained is necessary.
53. In order to ensure that safe and level access can be made between the site and the centre of the village a condition requiring off-site highway improvements is necessary.

54. In order to help reduce private vehicle movements from the site and enhance its sustainability a condition requiring a welcome pack to be provided in each of the proposed dwellings is necessary which details the public transport facilities available in the area.
55. In order to ensure that residents have access to modern means of electronic communications a condition is necessary to ensure that each dwelling has access to broadband facilities.
56. A condition is necessary in order to comply with the provisions of the development plan and to ensure that emissions from the development are reduced in order to help mitigate climate change. This condition should ensure that all the dwellings are capable of generating a proportion of their energy needs through renewable or low carbon methods and that these facilities are installed prior to their occupation.
57. Given the proximity of the site to adjacent houses a construction hours of operation condition is necessary in order to protect the living conditions of the occupiers of these houses.
58. Whilst the site is relatively flat given the proximity of the adjacent houses to the site a condition is necessary to control the finished floor levels of the proposed dwellings in order to protect the character and appearance of the area.
59. There was some discussion at the Inquiry about the need for a condition to ensure the installation of electric vehicle charging points as this matter is now, to a large extent covered by the Building Regulations. I consider that the detailed condition proposed by the Council is not necessary. However the Framework does make reference to the need to ensure adequate provision for the charging of plug-in and other ultra-low emission vehicles. Therefore I consider that a simplified version of the Council's condition is necessary in order to ensure that provision is made within the development for the charging of electric vehicles.
60. I note the SoCG has proposed conditions relating to the provision of facilities for the storage of refuse and the provision of cycle parking within the development. Whilst I do not dispute the need for such provision both elements are capable of being dealt with at the Reserved Matters stage as part of the layout of the development. Therefore conditions are not necessary in order to cover these matters at this stage.

## **Conclusion**

61. I have found that, having regard to the benefits of the proposal, its location outside the defined development boundaries and its conflict with Policy SWDP 2, do not justify refusal of permission. Furthermore, the submitted planning obligations and the conditions detailed above would, and are necessary to ensure, a satisfactory development. Consequently, I conclude that the appeal should be allowed.

*Peter Mark Sturgess*

INSPECTOR

### **ANNEX A: SCHEDULE OF 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 following details shall be submitted for approval as part of the landscaping reserved matters:

Survey information of all existing trees and hedges on the application site and branches from trees on adjacent land that overhang the site. The survey shall include for each tree/hedge:

  - a) the accurate position, canopy spread and species plotted on a plan;
  - b) an assessment of the trees' general health and stability;
  - c) an indication of any proposals for felling or pruning;
  - d) Details of any proposed changes in ground level or other works to be carried out within the canopy spread.

A landscaping scheme which shall include;

  - a) a plan(s) showing the planting layout of the proposed tree, hedge and grass areas,
  - b) a schedule of proposed planting, indicating species, size at time of planting and numbers/densities of plants,
  - c) a written specification outlining cultivation and other operations associated with plant and grass establishment,
  - d) a schedule of maintenance including watering and the control of competitive weed growth for a minimum period of 5-years from the date of first planting.

The landscaping shall be implemented and maintained in accordance with the approved details.
- 5) The development hereby permitted shall include a policy compliant amount of Green Infrastructure/public open space and amenity space in accordance with Policy SWDP 5. The information submitted with any reserved matters application shall include details of any landscaping features (including ponds etc.) to be included within the public open space/amenity space areas.
- 6) Prior to the first occupation of any dwellings hereby permitted, details of when the public open space is to be provide and how the public open space is to be maintained shall be submitted to and approved in writing by the Local Planning Authority. The amenity/public open space shall be provided and laid out in accordance with the approved details and maintained in accordance with the approved maintenance schedule.

- 7) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the following plans:
  - a) 21063(05) 101 – Location Plan
  - b) Appendix 5 of the Peter Evans Partnership (PEP) Transport Statement dated January 2022 titled 'Proposed site access'
  - c) Appendix 8.1 and 8.2 of the Peter Evans Partnership (PEP) Transport statement dated January 2022 titled 'Proposed Pedestrian Improvements'
- 8) Prior to the commencement of development the proposed route and point of discharge, including third party consents for the restricted surface water discharge from the site shall be submitted to and approved in writing by the Local Planning Authority.
- 9) The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
- 10) Prior to the commencement of development a programme of archaeological work, including a Written Scheme of Investigation, shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and include the following:
  - 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 the archive deposition of the analysis and records of the site investigation.
  - f) nomination of a competent person or persons/organisation to undertake the works set out with the written scheme of investigation.
- 11) Prior to the commencement of development a site investigation and post investigation assessment shall be completed in accordance with a programme set out in a written scheme of investigation approved under condition 10) and the provision made for analysis, publication and dissemination of results and archive deposition shall be secured.
- 12) Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include but not be limited to the following:
  - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc.);

- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of any temporary construction accesses and their reinstatement;
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

- 13) Prior to the commencement of development hereby permitted an ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations contained within the Preliminary Ecological Appraisal, Bat Roost Inspector Survey and ditch Assessment report by the Keystone Ecology dated December 2021 and shall include an implementation timetable. The works shall thereafter be carried out in accordance with the approved details and timescale.
- 14) Prior to the commencement of development hereby permitted, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the local planning authority. The details shall include times when external lighting will not be switched on. Only external lighting in accordance with the approved details shall be provided and operated on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) there shall be no other external lighting provided on the application site.
- 15) Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens) shall be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the relevant part of the management plan has been carried out.
- 16) Prior to the first occupation of the development the footway and crossing improvements (to include dropped kerbs and tactiles and a new boundary footway i.e. tarmac is provided either side of Honeybourne Lane) are provided as indicated in Appendix 8.1 and 8.2 or the Peter Evans Partnership (PEP) Transport Statement dated January 2022 titled 'Proposed Pedestrian Improvements', have been implemented and are open for pedestrian use.
- 17) Prior to the first occupation of the development, a residential welcome pack promoting sustainable forms of access to the development must be submitted to and had approval in writing from the local planning authority. The pack shall be provided to each resident at the point of occupation.

- 18) Prior to the first occupation of the development, details of connections to facilitate broadband facilities or alternative solutions to serve the dwellings shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details prior to the occupation of the first dwelling on the development,
- 19) Prior to the occupation of the first occupation of the development, details of renewable or low carbon energy generation facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generated facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.
- 20) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08:00 and 18:00hrs Monday to Friday and 08:00 and 13:00hrs on Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
- 21) Details of the levels of the site and the precise floor slab levels of the approved dwellings, relative to the existing development on the boundary of the site, shall be submitted to and approved in writing by the local planning authority. The dwellings shall be constructed in accordance with the approved details.
- 22) Appropriate cabling and an outside electrical socket shall be supplied for each dwelling adjacent to a car parking space to enable the installation of an electric vehicle charging point before each dwelling is occupied. The charging point shall comply with BS7671 or such standard as may be agreed in writing with the local planning authority. The socket shall comply with BS1363 or such other standard as may be agreed in writing with the local planning authority and be provided with a locking weatherproof cover if located externally to a building.

## **END OF CONDITIONS**

## **ANNEX B: APPEARANCES**

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

Howard Leithead of Counsel

Instructed by the Solicitor to the Council

He called:

Gillian McDermott BSc(Hons), MA, MRTPI

Principal Planning Officer, WDC

### **FOR THE APPELLANT**

Killian Garvey of Counsel

Instructed by Beechcroft Land Ltd

He called:

Guy Wakefield BA(Hons), MRTPI

Partner, Ridge and Partners LLP

## **ANNEX C: DOCUMENTS SUBMITTED AT THE INQUIRY**

ID1 - Appeal decision APP/H1840/W/22/3291830

ID2 – Inspector’s agreed site visit route

ID3 – List of appearances – Appellant

ID4 – List of appearance - Council