



Appeal Decision

Inquiry held on 25 - 26 April 2023

Site visit made on 27 April 2023

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/A2280/W/22/3311965

Land east of Seymour Road and north of London Road, Rainham ME14 3EN

- 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 Esquire Developments against the decision of The Medway Council.
 - The application Ref MC/21/2225, dated 23 July 2021, was refused by notice dated 21 October 2022.
 - The proposal is a residential development of up to 48 dwellings including associated access, parking, landscaping and open space with all matters reserved (except access).
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 48 dwellings including associated access, parking, landscaping and open space with all matters reserved (except access) on land east of Seymour Road and north of London Road, Rainham ME14 3EN in accordance with the terms of the application, Ref MC/21/2225, dated 23 July 2021, subject to the conditions set out in the Annex to this decision.

Procedural matters

2. The Council refused the planning application for reasons related to highway and heritage matters, although the authority always accepted that the heritage issue would not have been sufficient in itself to have refused planning permission.
3. However, after considering the highway matter further in the light of a nearby appeal decision and a clarificatory analysis, the Council resolved to withdraw its opposition to the appeals (30 March 2023). The authority concluded that, in the overall balance, the scheme should be granted planning permission.
4. This appeal was heard at a joint Inquiry with an appeal related to land at Moor Street.¹ Although this related to different land, a different scheme, and different appellants, many of the issues were virtually identical, as was the position of the Council in both cases. However to avoid confusion this appeal is the subject of a separate decision.
5. A draft s106 planning obligation was discussed at the Inquiry, and a final version, dated 28 April 2023, was submitted after the Inquiry closed. I return to that below.

¹ Appeal Ref: APP/V2225/W/22/3310119

Main issues

6. Based on the history of the proposal and my consideration of the evidence, the main issues in this case are:
- The effect of the proposal on highway safety.
 - The effect of the proposal on the setting and significance of designated heritage assets.

Reasons

Background – the site, the proposal and the development plan

7. The site comprises open fields located to the east of Rainham, to the north of London Road (the A2) and to the east of Seymour Road. The northern boundary is formed by a railway line, and there is residential development to the west and south, with open countryside to the east. It is just under 2 hectares in extent.
8. Rainham High Street is located approximately 850m west of the site, with the core retail area around 1.5km to the west. The appellant and the Council agree that Rainham is a sustainable settlement.
9. The proposal is as described in the bullet point above. However it is noteworthy that the outline scheme is supported by a significant amount of illustrative material, some of which was produced at the request of Council officers whilst the scheme was under consideration. This is of some importance when considering one aspect of heritage matters below.
10. The development plan comprises the saved policies in the Adopted 2003 Medway Local Plan (LP), which covered the period 1996-2006. The Council has unsuccessfully tried to advance two new local plans. A new plan is in preparation. I will return to this below.
11. The appeal site is not allocated in the LP as it lies some 480m to the east of the defined urban boundary of Rainham. However that policy is out of date as its effect was to restrict the supply of housing. In addition the developed area of Rainham has been extended much closer to the appeal site with the construction of a new secondary school and newer residential development to the west of Seymour Road.
12. The LP policies related to the highway reason for refusal were T1 and BNE2. These deal with network capacity, traffic generation and safety amongst other matters.
13. The LP policies related to the heritage reason for refusal were BNE14 (dealing with development in or affecting the setting of conservation areas) and BNE18 (dealing with the setting of listed buildings). The latter policy simply states that development which would adversely affect the setting of a listed building will not be permitted. However this policy is out of date in that it fails to allow for consideration of public benefits.

Highway matters

14. The A2 London Road runs broadly east-west and has a carriageway width of around 7 meters, and is subject to a 40 m.p.h limit. It has streetlighting and a footway. It gives access to Newington, Sittingbourne, Rainham and the M2. Seymour Road is narrower and is subject to a 30 m.p.h limit.
15. There is no suggestion that safe access cannot be provided onto the road network. That was never a part of the Council's case even before the authority changed its position, and I have no reason to doubt that safe access could be provided.
16. The closest bus stops are on the A2 close to the junction with Seymour Road, about 120m to the west of the proposed access, representing a maximum two-minute walk time. There has never been any suggestion that the site is not in a reasonable walking and cycling distance of a range of local services and facilities, especially given the proximity of National Cycle Route 1.
17. The Council's (withdrawn) reason for refusal referred to the cumulative residual effect on the operation of the road network which (it was stated) would result in an unacceptable impact on highway safety, including as a result of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow.
18. The position of the authority in highway terms changed for two reasons. Firstly the consideration by the authority of two appeal decisions, dating from April 2022 and March 2023.² In both cases it was concluded that a severe impact would be unlikely. Although obviously relating to different proposals on different sites, these decisions are clearly material considerations as they address the same overall highway network.
19. The second reason for the Council's change of stance was further analysis of the highway situation. The safety record in the immediate vicinity indicates that human error was the dominant cause of the recorded incidents within the latest five-year period for which data is available. The layout or condition of the network does not appear to have been an issue.
20. The issue of vehicles re-routing along roads that are unsuitable to accommodate increased traffic flow reflected the select link analysis provided in Sweco's Medway Aimsun Model (2022). However subsequent clarificatory analysis which was provided by Sweco (2023) demonstrated that, although there would be likely to be a diversionary impact as a result of the scheme, this would be offset by existing trips on those routes taking alternative paths. The overall conclusion was that the absolute change in vehicles using the roads would be negligible.
21. No other technical evidence has been put before me, and I therefore conclude that the residual cumulative impacts of the proposal on the operation of the road network would not be severe nor result in an unacceptable impact on highway safety. There would therefore be no harm to highway safety and the proposal would not conflict with LP policies T1 and BNE2.

² APP/A2280/W/21/3274932 and APP/V2255/W/22/3301685

Heritage matters

22. Before considering heritage issues, I should note that the Council's former reason for refusal is unusual, in that it expressly stated that the public benefits of the proposal outweighed the heritage harm. It is hard therefore to see how this could have been a reason for refusing the proposal.
23. The heritage assets in question are Moor Street House (Grade II), The Cows, The Oasts, and The Press (Grade II) and the Moor Street Conservation Area.



Appeal site location plan showing: (1) Moor Street Conservation Area (purple wash); (2) The Cows, The Oast, The Press; and (3) Moor Street House.

24. Dealing first with the conservation area, the designated area covers the small settlement of Moor Street which, in the past, was dominated by agricultural and related industries. However in more recent times, the majority of the buildings have been converted to dwellings. Although there are therefore historic ties to the agricultural land surrounding the settlement, the significance of the conservation area relates to its architectural and historic interest.
25. The great majority of the appeal site (96.4%) lies outside the conservation area. The very small area within the red line boundary which falls within the designated area is of no significance, and nobody at the inquiry was able to explain the disparity between the conservation area and site boundary.
26. Elements of the setting of the conservation area undoubtedly contribute to the appreciation of its significance, but the majority of the significance of the asset derives from the buildings within the area rather than external factors. That said, the proposed redevelopment of what is currently open fields would harm the asset. I will return later to the extent of the harm.

27. Moor Street House dates from at least the mid-late 18th century, and is particularly noteworthy for its external appearance, character, form and materials. The setting of the asset has changed significantly over time, but the surrounding area still contributes to the appreciation of its significance, particularly as part of the group value of other buildings. That said, the particular location of Moor Street House, including the separation between the asset and the appeal site, effectively surrounded by other development, has reduced that significance considerably.
28. The Cows, The Oast and The Press are three houses created within former oasthouses – there is a suggestion that they were extensively remodelled when converted to residential use. This combined asset does not derive a major proportion of its significance from its setting but aspects of that setting including the appeal site make a positive contribution to its significance, and ability to appreciate that significance as former agricultural buildings within a rural hamlet.
29. The appellant agrees that the proposed 48 dwellings within the setting of the assets would cause harm to the setting and significance of Moor Street Conservation Area and to the setting and significance of the listed buildings. This is within the 'less than substantial' category in terms of the National Planning Policy Framework (the Framework).
30. There is agreement that the proposed development would result in no more than a low level of less than substantial harm to Moor Street House.
31. Some disagreement remains over the level of less than substantial harm caused to the conservation area and oast houses. The Council assessed the harm to the conservation area as medium, with the appellant suggesting low level. For reasons set out above, I agree with the appellant on that matter. There is even less between the parties in relation to the oast houses, with the Council stating medium level of harm, and the appellant low-medium. In view of the proximity of the assets to the proposed development, I consider the proposal would result in a medium level of harm.
32. The position of Historic England is worthy of mention. They were only consulted late in the appeal process but, as the government's advisor on the historic environment, their view carries weight. Their assessment of the level of harm does not differ significantly from that set out above, but they also raise concern that the proposal is in outline. However this view appears to reflect the approach of Council officers at an early stage in dealing with the proposal – before substantial additional material was submitted. Historic England do not explain what further information might be needed and, given the volume of information provided, there is ample scope for the appeal to be dealt with in its current form, and no reason why an acceptable scheme could not be secured at a later stage.
33. Overall, for the reasons set out above, the proposal would cause less than substantial harm to various heritage assets, within the low to medium range. It would therefore conflict with LP policy BNE14 and national policy. I will deal with the public benefits of the scheme below.

Other matters

34. The coastline of North Kent includes three Special Protection Areas (SPA) – Thames Estuary and Marshes; Medway Estuary and Marshes; and Swale. They are also RAMSAR sites. The appeal site is within 6km of the SPAs and RAMSAR sites. The increase in the number of dwellings in the area would be likely to cause increased recreational disturbance and hence the need for a package of avoidance and mitigation. This is included within the s106 obligation. Overall I consider that the proposal would have no adverse effect on the integrity of the European protected sites, and there would be no conflict in this respect with the development plan or national policy.
35. In relation to housing need, both parties agree that the Council cannot demonstrate a five year housing land supply, and that there is an uncontested need for 1,700 affordable homes p.a., whilst on average only 211 have been delivered each year since 2017/18. The Council has attempted to produce two local plans, both of which were found unsound, and the latest draft is still a year from the Regulation 19 stage. Under these circumstances, there is no realistic prospect of the plan making process remedying the housing shortage even in the middle term.
36. The proposal would make a clear contribution to the shortfall of homes and affordable homes (25% of the development). This is particularly relevant when considering the Government's objective of boosting significantly the supply of homes and noting the sustainable location of the site. I give the provision of general needs housing and affordable housing very significant weight.
37. In addition the development would be delivered rapidly by an SME developer – a sector encouraged by government policy – in a short timescale. This latter point would be the subject of a condition and is a matter to which I ascribe further weight.
38. The proposal would generate direct, indirect and induced economic benefits associated with temporary construction spend along with the additional spending from the new housing, along with job creation. I give that matter limited weight.
39. There are embedded mitigation and biodiversity enhancements in the scheme and secured in the planning obligation and conditions. I give this moderate weight.
40. The proposal includes a new pedestrian crossing over the A2. This is covered by the planning obligation. Although the need for this is generated by the additional housing, it would also benefit other residents, and I give this matter moderate weight.

Conditions and obligation

41. There are a range of planning conditions agreed between the Council and the appellant. I have made minor amendments to these in the light of national advice.
42. A number of conditions address the outline nature of the proposal and secure the submission and retention of reserved and other matters (Conditions 1, 2, 3, 20, 24, 27, 28, 29, 31). In particular the standard time period for implementation is reduced, as put forward by the appellant.

43. A condition (4) identifies the approved plans in the interests of clarity.
44. Conditions (5, 6, 30) address the details of the proposal, in the interests of the appearance of the development and the area.
45. In the interests of avoiding pollution, conditions (7, 8, 9, 10, 14, 15, 17, 22) deal with potential contamination and disposal of surface water.
46. A condition (11) addresses the effect of the construction on the environment.
47. Conditions (12, 13, 33) address archaeological, biodiversity and ecological matters.
48. Sustainability matters are the subject of a condition (25).
49. A condition is necessary to ensure that the approved dwellings remain in that use in the interests of providing much needed housing. (32).
50. For highway safety reasons a condition (16) deals with access. The provision of electric charging points is covered by a condition (21). Cycle storage facilities should be provided (23) and final details of a Travel Plan should be submitted (26) – both in the interests of encouraging non-car transport.
51. To protect the living conditions of future residents, conditions (18, 19) deal with noise and air quality issues.
52. The planning obligation deals with a range of matters: including affordable housing; open space; education; waste and recycling; health care; and a range of contributions to various facilities.
53. The Community Infrastructure Levy Compliance Statement sets out justification for the majority of the matters and contributions. Based on this evidence, I consider almost all the elements are necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.
54. I deal with the affordable housing and the A2 crossing separately, but the other provisions are mitigation to make the development acceptable, and are neutral in the planning balance.
55. There is one area where I do not consider that the contribution is justified. That is traffic monitoring and management and the related contribution. There is no evidence that this is warranted, and I do not support it.

Heritage and planning balance and conclusion

56. The proposal would conflict with the development plan as a whole. This is because there would be less than substantial harm, to varying degrees, to designated heritage assets. As required by the National Planning Policy Framework, great weight is given to the harm to the significance of the designated heritage assets, although the harm identified is medium at most.
57. However, the benefits I have identified above would cumulatively amount to public benefits in the heritage balance, and the totality of the public benefits are more than sufficient to outweigh the harm to the heritage assets. The Council came to the same conclusion. Thus, the heritage harm does not provide a clear reason to refuse the development under Framework paragraph 11 d)(i).

58. Consequently, having regard to the lack of a 5 year housing supply, Framework paragraph 11 d)(ii) is engaged, such that there is a presumption in favour of granting planning permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
59. The harm to heritage assets should also be considered in the overall balance, and in the light of any other harm. However, there is no obvious remedy for the housing shortfall and the development plan is clearly failing to meet its strategic challenges. There is a persistent shortfall in market housing along with a substantial lack of affordable housing and the proposal would make a significant contribution to both. Furthermore, there are other benefits outlined above, such that, when applying the tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.
60. Consequently, the material considerations indicate a decision other than in accordance with the development plan.
61. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

APPEARANCES

Melissa Murphy KC, instructed by DHA	
She called:	
Sara Davidson BA(Hons) MSc IHBC	Director HCUK
Paul Lulham BA(Hons) MA (Oxon) MSc CMILT	Director, Transport Planning DHA
Matthew Woodhead BA(Hons) BTP MAUD MTRPI	Director, Planning and Urban Design DHA
Robert Williams of Counsel, instructed by the Solicitor to the Council	
(Assisting with conditions and s106 obligation)	
Lucinda Shersby	Resident, The Oast

INQUIRY DOCUMENTS

Doc 1	Opening submissions on behalf of the appellant
Doc 2	Closing submissions on behalf of the appellant
Doc 3	Text of statement read by Ms Shersby

ANNEX - CONDITIONS

- 1 Approval of the details of the scale, layout, appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of one year from the date of this permission and the development shall be carried out in accordance with the approved details.
- 3 The development shall be begun no later than the expiration of 1 year from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

15626-H-01 Rev P6 - Proposed Access Design (18/3/22)

500 Rev H - Parameter Plan (3/5/22)

- 5 Applications for the approval of reserved matters in relation to landscaping shall include full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The landscape details must include plans to demonstrate a minimum the ecological enhancement detailed within the Ecological Appraisal (Aspect Ecology; July 2021) have been implemented.

The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 6 Details submitted pursuant to Condition 1 above shall include:
 - A plan showing the location of all existing trees on the site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and

shall identify which trees are to be retained and the crown spread of each retained tree.

- The species, diameter, the approximate height and an assessment of the general state of health and stability of each retained tree.
- Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.
- Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within the root protection area if any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
- The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

7 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 9 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

- 11 No development shall take place until a Construction Environmental Management Plan (CEMP) in relation to that phase has been submitted to and approved in writing by the Local Planning Authority (who shall consult National Highways). The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, bat mitigation measures indicated within the ecology report and site contact details in case of complaints. The construction works within that phase shall be undertaken in accordance with the approved CEMP.
- 12 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

- 13 No development shall take place, including site clearance, until a detailed ecological mitigation strategy has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The strategy must include:
- Preliminary Ecological Appraisal (if survey data is older than 12 months)
 - Recommended species surveys
 - Overview of mitigation proposed for habitats and species
 - Detailed methodology to implement mitigation
 - Timings of works
 - Details of who will be carrying out the works
 - Interim management plan of mitigation area
 - Map showing existing and proposed habitats
 - Details of replacement hedgerows along the highway

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

- 14 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- Temporary drainage systems.
- Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

- 15 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- a timetable for its implementation (including phased implementation where applicable)
 - appropriate operational, maintenance and access requirements for each sustainable drainage component
 - proposed arrangements for future adoption by any public body, statutory undertaker or management company
- 16 No development shall take place until the access into the development site has been agreed and constructed, so that there is clear visibility from 2.4m x 120m, with no obstruction above 0.6m above the level of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow to a height on the area of land so formed which would obstruct the visibility from the access.
- 17 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.
- 18 No development shall take place above slab level until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 210102/1 dated 12 July 2021, shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
- 19 No development shall take place above slab level until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide details of the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.
- 20 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 21 No development shall take place above slab level until details of the provision of electric vehicle charging points (1 per dwelling for dwellinghouses and 1 per 4 flats) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in

accordance with the approved details and shall thereafter be maintained in working order.

- 22 Prior to the first use of any of the buildings (or within an agreed schedule), a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems have been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme.
- 23 No part of the development shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to occupation of the relevant property and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle facilities.
- 24 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.
- 25 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Sustainable Design and Construction Assessment within the design and access statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.
- 26 No part of the development shall be occupied until the final details of the Travel Plan have been submitted to and approved in writing by the Local Planning Authority. Implementation the approved Travel Plan shall then be carried out in accordance with a timetable and complied with as long as any part of the development is occupied.
- 27 Applications for the approval of reserved matters in relation to layout shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. None of the buildings shall be occupied until this has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

- 28 No carports shall be enclosed and no other permanent development shall take place, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order). The car port parking spaces shall remain available for parking.
- 29 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space, ecological enhancements and mitigation, communal courtyard, and green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture and any play equipment, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.
- 30 Prior to the installation of external lighting details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.
- 31 Prior to the first occupation of any dwelling, details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be retained.
- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification).
- 33 The details submitted pursuant to condition 1 (the reserved matters), shall include details of how the development will achieve a net gain in biodiversity. The approved details shall be implemented and thereafter retained.