



Appeal Decision

Site visit made on 23 May 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/P2935/W/24/3338440

Land north of 18-24 The Village and Former Acklington School, Acklington, Alnwick NE65 9BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Spall (Northumberland Estates) against the decision of Northumberland County Council.
 - The application Ref is 22/02845/FUL.
 - The development proposed is the construction of four residential dwellings, gardens, access road, open space and other ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of four residential dwellings, gardens, access road, open space and other ancillary works at Land north of 18-24 The Village and Former Acklington School, Acklington, Alnwick NE65 9BW in accordance with the terms of the application, Ref 22/02845/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Following the Council's decision, a Section 106 legal agreement (S106) has been submitted. The purpose of the agreement is to secure a financial contribution towards measures to mitigate the effects of recreational activity upon nearby designated ecology sites. I comment on these matters later in my decision.
3. The Council's second reason for refusal articulated a concern that insufficient information had been supplied in respect of the proposed surface water drainage pumps. In particular, the flood risks which would arise should pumps fail. However, the Council have since submitted that the information supplied during the course of the planning application was sufficient and that the second reason for refusal has been resolved. I comment on drainage matters later in my decision.
4. In December 2023, and since the Council made its decision on the planning application, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework insofar as it is relevant to this appeal.

Main Issues

5. The main issues are:

- The effects of the development upon the character and appearance of the area and upon heritage assets;
- The effects of the development upon the integrity of Habitats Sites and Sites of Special Scientific Interest; and
- The effects of the development upon an ancient fallen black poplar tree.

Reasons

Character and appearance and the heritage assets

6. The appeal site is located within the village of Acklington. In part, Acklington exhibits a linear settlement pattern whereupon traditionally designed properties line the main road running through it. However, the village also includes residential estates which have building patterns which diverge from this.
7. The appeal site contains within it, and to its edges, a number of trees, hedgerows, grassland and other plants. These provide the site with a verdant character. However, the site also contains vacant buildings and structures, including portacabin-type former school buildings.
8. Existing buildings that border the site to the south include Grade II listed buildings: Number 18 and the adjacent Old Smithy, the Acklington Church of England Controlled First School Building and, adjoining the school building, School House. The statutory duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.
9. The significance of Number 18 and the adjacent Old Smithy partly stems from its historical value. This includes the evidence it provides of the past uses of buildings and craftsmanship within the village. It is an attractive, traditionally designed stone-built building which features chimneys and quoins. It therefore has architectural interest. The building is prominently positioned on a corner plot within the village. This setting allows for the listed building to be appreciated, particularly from its south and east, and, therefore, also contributes to its significance. The evidence before me indicates that the plot of land to the rear of the listed building, and within the appeal site, has been historically associated with it. This land's verdant character also contributes positively to the listed building's setting.
10. I find that much of the significance of the listed First School Building and the adjoining School House is derived from its historical value of demonstrating the history of education within the settlement. Both buildings include distinctive design features such as pronounced gables, sash windows and, on the school itself, a gabled bellcote. The architecture of both buildings therefore also strongly contributes to their significance. Centrally located beside the main road running through the village, the architecture of both these listed buildings can also be readily appreciated. Like Number 18 and the adjacent Old Smithy, land out of the back of the buildings is likely to have historically served the buildings and, similarly, provides a leafy setting to these buildings.
11. The existing portacabin-type former school buildings are utilitarian structures in a dilapidated condition. Their appearance is at odds with the traditional

architecture of the listed First School Building and adjoining School House which they are sited closely to. Furthermore, they are quite prominent in some of the main views of these listed buildings from the road to their south. The presence of the existing portacabins detracts from the significance of the First School Building and School House. Their proposed demolition would therefore be a positive element of the proposal.

12. The proposed dwellings themselves are set a considerable distance to the rear of each of the listed buildings. This distance would ensure that the proposed dwellings would not harmfully impose themselves upon the listed buildings by reason of proximity.
13. Out the back of Number 18 and the adjacent Old Smithy there is an existing outbuilding which lies between the listed building and the site. This building would be retained, and it would serve as a buffer. Visually, it would provide separation between the listed building and the development.
14. Closest to the listed First School Building and adjoining School House the proposed layout incorporates some public open space. Although this land would include some pumping station infrastructure, it would, in the main be a soft landscaped parcel of land. This would serve as a buffer between the two listed buildings and the main development: the houses and access road proposed. This open space would run all along the southern boundary of the site. Therefore, it would also separate Number 18 and the adjacent Old Smithy from the built development proposed.
15. Beside Number 18 and the adjacent Old Smithy some works within the footpath are proposed including tactile paving together with some new footpath provision. There are already areas of footpath and hardsurfacing to these sides of the listed building. These highway works would not be at odds with the existing character here and, they would be quite modest interventions too. These works would not therefore harm the setting of the listed building and I have no substantive evidence that they would cause any damage to the property. Any dispute over land ownership in this area is principally a private matter to be resolved between the concerned parties.
16. A number of trees and sections of hedgerow would be lost to facilitate the development. This would result from the siting of the dwellings and the works to facilitate the access and drainage. However, other trees and sections of hedgerow would be retained. Importantly, this would include those which are to the site's periphery and on the edge of the village. This would help to partly screen the development proposed from beyond the site and, together with proposed landscaping, the site would still retain a leafy character. In approaches to the site from the roads to the site's south and east, views of development would be filtered by landscape features. This would be very similar to how other buildings appear in approaches to them in the surrounding area.
17. A concrete structure is located on site of some age, and it may have served a purpose as a pillbox. It has some historical value and, consequently, I deem it to be a non-designated heritage asset. This structure would be demolished but the submitted Heritage Assessment proposes that a building recording is undertaken. This could be ensured via a condition. Given the value of the structure, I consider this building recording to be appropriate mitigation.

18. The proposed dwellings would, appropriately, take design cues from traditional vernacular within Acklington. Their appearance would be sympathetic to the concentration of traditionally designed buildings that line the main road running through the village including the aforementioned listed buildings.
19. Therefore, as a result of the proposal, buildings within the setting of the listed First School Building and the adjoining School House which detract from them would be demolished. The development would, I accept, result in transformative effects upon the site, and it would become more built-up than is presently the case. However, the proposal's design would ensure separation from the listed buildings, retention of the site's leafy character and the provision of dwellings of an appearance befitting to the area. The mitigation proposed for the loss of the concrete structure I find to be proportionate and appropriate. Consequently, the effects of the development upon the character and appearance of the area would be acceptable, as would the effects upon heritage assets with the settings of the listed buildings preserved.
20. The development would comply with Policy ENV7 of the Northumberland Local Plan (LP) which, amongst other matters, seeks to ensure that heritage assets are conserved and enhanced, a balanced judgement made where development affects non-designated heritage assets and, where any heritage asset is lost to development, that it is appropriately recorded. The development would also comply with those policies within the Framework which reflect the content of Policy ENV7 and which also seek to ensure that development is sympathetic to local character.

Habitats Sites and Sites of Special Scientific Interest

21. Other than a short length of coast around Lynemouth Power Station, the whole of the Northumberland coast below the high tide mark is protected by virtue of Sites of Special Scientific Interest (SSSI) because it is inhabited by populations of wading birds which are of national importance. Various Habitats Sites are also situated on this coast. These are of international importance and are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
22. The appeal site is within this coastline's zone of influence. Increased recreational pressures on the coast caused by new development could result in significant effects upon the integrity of certain Habitats Sites. The sites likely to be affected in this case are the Northumbria Coast Special Protection Area and RAMSAR (Coast SPA and RAMSAR), the Lindisfarne Special Protection Area and RAMSAR (Lindisfarne SPA and RAMSAR) and the North Northumberland Dunes Special Area of Conservation (SAC). Furthermore, the SSSI, which underpin the Habitats Sites, could also be affected for the same reason.
23. The qualifying features of the Coast SPA and RAMSAR are birds. In summer, the site supports an internationally important population of breeding little tern and arctic tern and two species of wintering waders occur in internationally important numbers - the turnstone and purple sandpiper. In summary, the Coast SPA and RAMSAR's conservation objectives are to maintain (or restore to) favourable condition the sand dunes for the breeding population of little tern and the rocky shores with boulder and cobble beaches for the turnstone and purple sandpiper.

24. The qualifying features of the Lindisfarne SPA and RAMSAR are the little tern, roseate tern, whooper swan, golden plover, purple sandpiper, turnstone, greylag goose, light-bellied brent goose, wigeon, ringed plover, bar-tailed godwit and redshank. Its conservation objectives are to maintain (or restore to) favourable condition its intertidal mudflats and sandflats, saltmarsh, eelgrass beds, sand dunes, rocky shores with boulder and cobble beaches for the qualifying species which depend upon them.
25. The SAC's qualifying features are its fixed dunes with herbaceous vegetation, dunes with creeping willow, embryonic shifting dunes, humid dune slacks, shifting dunes with marram and petalwort. The SAC's conservation objectives are to maintain (or restore to) favourable condition these habitats including those for the population of petalwort.
26. The SSSI support nationally important populations of migratory and wintering waders and wildfowl, and breeding tern species including those which are the qualifying features of the above Habitats Sites.
27. Increased recreational activities along the coast could damage and disturb the qualifying features of these designated sites. In particular, birds could be disturbed whilst the rate of spread of pirri-pirri bur, a non-native invasive plant species, could increase which results in the displacement of native species of high conservation value.
28. The proposed development would deliver four additional dwellings and would contribute to the recreational activities and consequential effects. In combination with other development in the area, it is likely to have significant effects on the aforementioned designated sites by contributing to the overall level of recreational activity which takes place. These activities would impede upon the favourable conservation status of the qualifying features of the sites being achieved and adversely affect the integrity of them.
29. The Council's Northumberland Coastal Mitigation Service Strategy Document (the Mitigation Document) sets out a strategy to prevent any net increase in such adverse effects, proposing mitigation measures to be deployed. Central to this is the use of wardens who aim to modify people's behaviour through awareness-raising and education. Other actions include bird and recreational disturbance monitoring, improving bird habitats and the removal of pirri-pirri bur. This mitigation is funded by financial contributions obtained from development proposals.
30. The submitted S106 provides for a financial contribution of £2,460 to be utilised for the forms of mitigation set out within the Mitigation Document. Without this, adverse effects upon the integrity of the nearby Habitats Sites and SSSI would be likely to occur. Therefore, the financial contribution is necessary to make the development proposed acceptable and is directly related to the appeal scheme. In addition, the financial contribution is derived from the costs of delivering these mitigation measures, as set out within an appendix within the LP, and is thereby fairly and reasonably related to the development proposed in scale and kind. I have also received evidence of the appellant's title to the land and I am otherwise satisfied with its content. Therefore, the S106 meets the tests for obligations set out within the Framework and the CIL Regulations, and I give it significant weight in the determination of this appeal.

31. Natural England has confirmed that it is content that the secured financial contribution would provide sufficient mitigation to ensure that adverse effects upon the integrity of the relevant Habitats Sites would not result. Given all that is before me, I conclude that with the proposed mitigation secured through the S106, the development would not result in adverse effects upon the integrity of Habitats Sites and the SSSI.
32. The development would therefore comply with Policy ENV2 of the LP, which, amongst other matters, requires development proposals to minimise their impacts upon designated sites and adequately mitigate any harm to them. The development would also comply with those policies within the Framework which seek to protect sites of biodiversity value and ensure that any harm to biodiversity would be adequately mitigated.

Black poplar

33. An ancient fallen black poplar tree, which came down during a storm, lies across the site. Despite this, the tree has since exhibited regenerative growth and it remains alive. It is proposed that the tree be left in situ.
34. I note the representations made by the Woodland Trust and its recommendation for the size of the root protection buffer area appropriate to permit the tree to regenerate. The proposed dwellings would be set away from the tree, but three of them would, nevertheless, breach the distance recommended by the Woodland Trust.
35. However, I have evidence before me from the appellant's arboricultural consultant and from the Council which is consistent. Altogether this presents to me that the extent to which the dwellings would encroach into the buffer would still permit the tree stool to satisfactorily regenerate. During the construction period it is also proposed to fence the poplar tree off from the construction works. Furthermore, through the imposition of a condition, the removal of a range of the permitted development rights which would ordinarily be afforded to the dwellings would enable the Council to exercise control over future development in the interests of the tree's protection.
36. In the light of the submissions which have been made to me by the Council and the appellant, I have no substantive evidence or reasons to come to the conclusion that the black poplar would not be adequately protected and, in turn, continue its regeneration.
37. As a means of mitigation, it is also proposed that as the black poplar's stool re-establishes, growth from it would be propagated whilst deadwood from the fallen tree would be retained and allowed to decay naturally.
38. For the above reasons, I find that the effects of the development upon the ancient fallen black poplar tree would be acceptable. The development would therefore comply with policies QOP2 and QOP4. Amongst other matters, these policies seek to ensure that trees of value are retained and the loss or deterioration of ancient or veteran trees is not permitted unless wholly exceptional reasons exist. The development would also comply with those policies in the Framework which seek to retain trees and, again, prevent the loss of ancient or veteran trees unless there are wholly exceptional reasons.

Other Matters

39. I acknowledge that Acklington has limited services and facilities and that, as a consequence, occupiers of the development would be likely to be quite reliant upon private vehicles. However, as a small village, LP Policy STP1 sets out that a proportionate level of development is appropriate in Acklington. This policy highlights that development in such locations can contribute to the social and economic vitality of the area and support services in other locations too. I have no substantive evidence to conclude that the scale of the development proposed would result in any unacceptable pressures upon local services or infrastructure. Furthermore, I have had regard to the Council's healthy housing land supply position, however, this does not act as a ceiling to further development. Therefore, I find the principle of the provision of the four dwellings at the site to be acceptable.
40. Amongst other ecological assessments and analyses, the proposal has been supported by an extended phase 1 habitat survey, bat surveys, breeding bird characterisation surveys and a biodiversity net gain report. The results of the bat surveys revealed that a bat emerged from a roost within one of the buildings on site proposed for demolition.
41. Bats are a European Protected Species (EPS). The Habitats Directive (The Directive) requires a system of strict protection of EPS by prohibiting, amongst other things, the deterioration or destruction of their breeding sites and resting places. The Directive allows for the derogation from this but only in certain circumstances when particular tests are met. These tests set out that there should be no satisfactory alternative, that the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and that the derogation is for imperative reasons of overriding public interest. The Habitats Regulations impose a duty on me to have regard to these requirements. Separately, and only once planning permission has been granted, a mitigation licence would need obtaining from Natural England for what would otherwise be the unlawful loss of the roost.
42. The building within which the bat roost has been identified is one of the portacabin-type buildings in a dilapidated condition. It has a harmful effect upon nearby listed buildings, and I see no satisfactory alternative to its loss. Replacement bat roosting opportunities are proposed whilst further mitigation measures in respect of bats include a sensitive lighting scheme and site landscaping for foraging purposes. It would be necessary to secure such mitigation under condition, but with this I am satisfied that the proposal would not be detrimental to the maintenance of the population of the species. Finally, as the proposal would remove dilapidated buildings and provide housing with, albeit modest, social and economic benefits I am also satisfied the public interest test would be met.
43. Therefore, I consider it likely the proposal would receive a license. As this licensing process is separate from the grant of planning permission I find that the planning condition suggested by the Council which prohibits the commencement of development until the license has been granted is unnecessary.
44. More generally, mitigation for the loss of habitat which would arise from the development is proposed and the results of the biodiversity net gain report

identify that through the delivery of proposed landscaping and habitat creation measures, a net gain would be achieved. I have no substantive reasons to dispute the submissions made to me in this regard. Given all that is before me, I find the effects of the development upon biodiversity would be adequately mitigated and managed and would, thereby, be acceptable.

45. The open space within the appeal site was used in association with the school. It no longer serves this purpose as the school previously closed. The land has therefore been surplus to requirements for such open space use for some time. The land's repurposing for the development proposed therefore accords with Policy INF5 of the LP.
46. With the proposed dwellings set behind the new entrance road and areas of open space, they would be well separated from the neighbouring properties to their south. The living conditions of existing neighbouring occupiers, including in regard to privacy, outlook and noise, would be acceptably preserved as a result. The open space and landscaping proposed would serve beneficial purposes in respect of both the character and appearance of the area and biodiversity. It is therefore an appropriate inclusion within the development, and I have no reason to conclude that its provision would cause harm to the living conditions of existing residents.
47. As a quite small residential development, the vehicular movements associated with it would be relatively modest whilst the construction phase should not be unduly prolonged. Given this, I have no reason to conclude that the development would result in adverse effects upon air quality. Lighting associated with four dwellings would also be limited, particularly given the requirements for a bat-sensitive lighting scheme. Unacceptable light pollution would therefore not result.
48. I have no substantive evidence that the proposed junction design, nor the scope of the highway works proposed would be inadequate or that they would fail to ensure that the access would be safe. Coupled with the vehicular movements associated with the development being quite low, the effects upon the local road network would not be prejudicial.
49. Concerns are expressed to me that this development would set a precedent for further housing. My decision is based firmly on the specifics of the development proposed having regard to the appeal site's particular characteristics. As such, it does not set any precedent that should be applied more generally to the area. Should other developments be proposed of a similar nature, they would require assessment on their own merits.
50. Whilst the Lead Local Flood Authority did express concern with the flood risk which would arise in the event that the proposed pumps fail, the evidence before me indicates to me that these concerns were resolved. I have no reason to conclude that through the implementation of a detailed drainage design that the development could not be adequately drained and thereby ensure that the risk of flooding is not increased as a result of the development.
51. I note the comments of the Council's Environmental Protection Team in regard to the surface and foul pumping stations proposed and the integral design and operational features of them. I am satisfied that the effects of the pumping stations upon the living conditions of the nearest residents would be

acceptable. Nevertheless, to provide certainty of their final design, I have imposed a condition.

52. I have no reason to conclude that the development would not comply with any relevant parts of The Building Act 1984 and, furthermore, the Building Regulations are a separate regime to planning permission.

Conditions

53. I have had regard to the Council's suggested conditions. Earlier in my decision, I have already set out the reasoning behind some of the content of my condition schedule. For clarity, I have amended some of the Council's suggested wording and, where I consider appropriate, amalgamated conditions and re-ordered them.
54. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans and documents for the reason of certainty. I have restricted the list of approved plans and documents to those which it is necessary for the development to comply with.
55. A condition relating to the vehicular access arrangements, including to ensure appropriate visibility and the implementation of highway infrastructure works together with conditions to ensure parking provision and arrangements for future highway maintenance are all necessary in the interests of highway safety. To promote sustainable means of travel, a cycle storage condition is required.
56. Some of the highway works proposed involve off-site land not within the control of the appellant. Conditions requiring works on land that is not controlled by the appellant, or that requires the consent or authorisation of another person or body can often fail the tests of reasonableness and enforceability. However, using a condition worded in a negative form (a Grampian condition) prohibiting development until a specified action has been taken can be appropriate. Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. However, it seems to me that it is likely that the highway works on highway land would be delivered. In such circumstances, I am satisfied that the Grampian condition meets the tests for condition imposition.
57. The Council suggested a condition requiring the submission of details of the design of all proposed highway works. However, the plans show a range of details in this regard. It is not clear to me why all highway works details would require resubmission under condition. I find that the further condition suggested by the Council is imprecise and not necessary, therefore, it is not in my schedule.
58. I have imposed conditions to ensure that the site is adequately drained in accordance with the plans and documentation submitted but with specific further details required in relation to long-term management. Given the detail of the drainage submissions made, the Council's suggested condition requiring further details to be submitted in relation to the management of surface water run-off is unnecessary. The drainage conditions I have imposed require that the drainage system is implemented in accordance with the approved details.

The particular reasons why it would also be necessary for a verification that this occurs post-implementation have not been made clear to me. I have therefore not imposed a condition to this end.

59. The drainage system proposed also involves off-site land, and a rising main is proposed on land which is not within the appellant's control on highway land. Again though, I have no reason to conclude that delivering this infrastructure would be unlikely and therefore further Grampian conditions are appropriate.
60. I have added conditions requiring the devising of a demolition and construction method statement and to control working hours to ensure that the effects of that phase of the development upon the living conditions of neighbouring occupiers would be acceptable. To ensure the site is safe, conditions regarding potential contamination and ground gas are necessary. Some of these conditions are pre-commencement conditions as the measures within the construction method statement and which set out site investigation must be agreed before development starts.
61. Conditions to secure the appropriate use of materials, define tree works and ensure tree protection, are needed to protect the character and appearance of the area. The trees on site to be retained must be protected before the development works commence so that they are not damaged by construction activity.
62. A condition requiring a scheme which defines landscaping and to provide for ecological enhancement and mitigation measures is necessary in the interests of the character of the area and the promotion of biodiversity. This scheme requires agreement before the development commences as some mitigation must be in place as a pre-cursor to the construction works. Generally, the presence or absence of protected species should be established before planning permission is granted. Exceptionally, survey updates and checking surveys are appropriate under condition, for instance to confirm the continued absence of a protected species. The submitted Ecological Assessment recommends the undertaking of a badger checking survey for this purpose – condition 6 allows for this. To protect the species, the checking survey must be undertaken before the development commences.
63. To protect any archaeological assets which could be present, I have imposed condition 12. The specification of the evaluation must be agreed before development commences given archaeological assets can be affected as soon as the ground is disturbed.
64. LP policy ICT2 seeks, where possible, that homes are served by full fibre broadband connections. For this reason, I have imposed condition 22. The removal of permitted development rights is in this case justified not only to protect the fallen black poplar tree but also so that control can be exercised over development which could affect the settings of listed buildings.
65. I am mindful that Part S of the Building Regulations now governs the installation of electric vehicle charging points in new housing developments and so I have not imposed the Council's suggested condition on this matter.

Conclusion

66. The proposed development accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made

other than in accordance with it. Therefore, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Phase 1 Geo-environmental Desk Study, June 2022

AIA Exi-

AMS Exi-

Ecological assessment, July 2022

E613-001

3953/10/02B

E613-003B

3953/10/01B

3953/20/02B

3953/20/03B

Arboricultural impact assessment Rev A, February 2023

AIA TPP A

Arboricultural method statement Rev A, February 2023

AMS TPP A

3953/20/01C

Drainage statement Rev P4

3953/10/03O

21051-201-P3

21051-211-P2

21051-203-P3

21051/DS01P6

21051/DS02P5

21051/DS03P2

21051/DS04P1

- 3) All works to trees and hedgerows shall accord with the details within the submitted Arboricultural Impact Assessment Rev A, February 2023 and accompanying plan AIA TPP A (AIA) and the Arboricultural Method Statement Rev A, February 2023 and accompanying plan AMS TPP A (AMS). No demolition, site clearance, preparatory work or other development shall take place until all trees scheduled for retention, as detailed within the AIA and AMS, have been protected in accordance with the details contained within the AIA and AMS. The protection measures shall be retained until the completion of the development works.

- 4) No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition/ construction period. The Demolition and Construction Method Statement shall provide details of:
- a) the access and egress arrangements of the development site and any associated directional signage;
 - b) vehicle cleaning facilities;
 - c) the parking of vehicles of site operatives and visitors;
 - d) the loading and unloading of plant and materials;
 - e) storage of plant and materials used in demolition and construction;
 - f) measures to control the emission of dust and dirt during demolition and construction;
 - g) measures to control the emission of noise and vibration during demolition and construction; and
 - h) the management of surface water during demolition and construction.

The approved Construction and Demolition Method Statement shall be adhered to throughout the demolition and construction phase of the development.

- 5) No development shall take place until a scheme of landscaping, ecological mitigation and enhancement measures has been submitted to and approved in writing by the local planning authority. The submitted scheme shall be based upon the content of the Ecological Assessment July 2022, the Biodiversity Gain Report February 2023 and landscape proposals drawing 149812/8001E.

The scheme shall include details of:

- a) proposed planting including the species, plant supply sizes, planting locations and plant numbers/densities. The planting shall include native shrubs, scrub, trees, hedgerow and areas of wildflower meadow;
- b) the provision made for the replacement of any trees or plants which die, are removed or become seriously damaged or diseased;
- c) details of proposed hard surfacing and of the hard surfacing materials;
- d) details of fence and wall materials and finishes;
- e) A method statement in respect of the retention of the fallen wild black poplar tree (T37) together with the propagation of cuttings from its regenerating stump/stool (T37) including timings and the identification of suitable planting locations;
- f) the measures proposed to protect nesting birds and to integrate new nesting features;
- g) details of a sensitive lighting scheme designed in accordance with the guidance contained within the Institution of Lighting Professionals Guidance publication Note 8: Bats and artificial lighting;
- h) the provision of new bat roosting opportunities;

- i) the measures proposed to protect badgers and hedgehogs from excavations and the measures to permit hedgehogs to forage and commute through the site; and
- j) details of the long-term and ongoing monitoring, management and work schedules of the habitats and landscaped areas to be provided, and the details of the organisation responsible for this.

The submitted scheme shall also include a timetable/programme for implementation which details the trigger points for when the landscaping, ecological mitigation and enhancement measures contained within it will take place and be completed.

Thereafter, the development shall be carried out in accordance with the approved details.

- 6) No development shall take place nor any vegetation removal works be undertaken until the results of badger checking survey and, if required, a method statement have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the submitted survey and any method statement.
- 7) No development shall take place until a Phase 2 intrusive site investigation to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters has been submitted to and approved in writing by the local planning authority. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed use.

If any contamination is found, then no development shall take place until a report specifying the measures to be taken, including the timescales, to remediate the site to render it suitable for the approved development has been submitted to and approved in writing by the local planning authority. Thereafter, the site shall be remediated in accordance with the approved measures and timescales.

- 8) No dwelling shall be occupied until a validation and verification report has been submitted to and approved in writing by the local planning authority which demonstrates that any remediation measures necessary under condition 7 have been carried out. The validation and verification report shall include post remediation sampling and monitoring results.
- 9) No foundation works shall take place until a report detailing the protective measures to prevent the ingress of ground gases, to the CS2 standard specified in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), has been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

- 10) No dwelling shall be occupied until the validation and verification assessment referred to in condition 9 has been submitted to and approved in writing by the local planning authority.
- 11) If, during the course of development, any contamination is found which has not been previously identified, it shall be reported immediately to the local planning authority, work shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation measures, including timescales for their implementation, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescales. Thereafter, a validation and verification report shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 12) No development shall take place until:
 - a) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - b) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.
- 13) The concrete structure within proposed plot 1, as referenced within the Heritage Impact Assessment (and identified in photograph 5), shall not be demolished until a building recording of that structure, inclusive of a photographic survey, has been undertaken in accordance with details which have first been submitted to and approved in writing by the local planning authority. The agreed scheme shall include details of the dissemination of the building recording undertaken.
- 14) The drainage works identified on drawing 21051/DS02P5 shall not take place until details of the vegetation clearance works necessary to enable the installation of a rising main have been submitted to and approved in writing by the local planning authority. The details shall include any measures necessary to protect adjacent vegetation to be retained. Thereafter, the development shall be undertaken in accordance with the approved details.
- 15) No dwelling shall be occupied until the drainage system, as described within the submitted Drainage Statement Rev P4 and as shown on drawings 21051/DS01P6, 21051/DS02P5, 21051/DS03P2 and 21051/DS04P1, has been implemented in accordance with said statement and plans.
- 16) No dwelling shall be occupied until a management and maintenance plan for the drainage system, which shall include the arrangements for

adoption by any public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the local planning authority. Thereafter, the drainage system shall be managed and maintained in accordance with the approved details.

- 17) No surface or foul water pumping stations shall be installed until details of the design of those pumping stations has been submitted to and approved in writing by the local planning authority. These details shall include confirmation of the use of pumping station alarm system(s). Thereafter, the pumping stations shall be implemented in accordance with the approved details.
- 18) No development above damp-proof course level shall take place until the details of the management and maintenance measures of the proposed streets and footways have been submitted to and approved in writing by the local planning authority. Thereafter, the management and maintenance shall take place in accordance with the approved details.
- 19) No development involving the erection of any sections of the external walls or roof of the dwellings hereby approved shall take place until samples of the external wall and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 20) No development involving the insertion of any doors or windows shall take place until details of the materials and finish of all doors and windows have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 21) No dwelling shall be occupied until the highway works, inclusive of the site access visibility splays, shown on drawings 21051-203-P3, 21051-211-P2 and 21051-201-P3 have been completed in accordance with the details on those plans. Thereafter, the access visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 22) No dwelling shall be occupied until:
 - a) it has been provided with access to full fibre broadband connection; or
 - b) a report has been submitted to and approved in writing by the local planning authority demonstrating that a full fibre broadband connection is not deliverable.
- 23) No dwelling shall be occupied until the private vehicular parking spaces proposed to serve that dwelling have been implemented in accordance with the approved plans. No more than 2 dwellings shall be occupied until the 2 visitor parking spaces have been implemented in accordance with the approved plans. Thereafter, the vehicular parking spaces shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles.

- 24) No dwelling shall be occupied until the cycle storage proposed to serve that dwelling has been implemented in accordance with the approved plans. Thereafter, the cycle storage shall be retained in accordance with the approved plans and shall not be used for any purpose other than the storage of cycles.
- 25) Construction and demolition works, the related operation of plant and machinery and related site deliveries or site despatches shall only take place between the hours of 08:00 and 18:00 on Mondays to Fridays inclusive and 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2 Part 1 Classes A, D, E and F, Part 2 Class A, Part 4 Class A and Part 14 Classes A, B, C, D, G, H and I, other than that expressly authorised by this permission, shall take place without express planning permission having first been granted by the local planning authority.