



Appeal Decision

Site visit made on 18 June 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/F0114/W/24/3340972

Elm Grove Farm, Lower Road, Hinton Blewett BS39 5AT

- 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 Charlie Gamlen of Chew Valley Properties Ltd against the decision of Bath and North East Somerset Council.
 - The application Ref is 22/04109/FUL.
 - The development proposed is conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion and extension of barn to create 1no. dwelling and replacement of all remaining buildings with 4no. dwellings together with associated hard/soft landscape works; drainage and access improvements at Elm Grove Farm, Lower Road, Hinton Blewett BS39 5AT in accordance with the terms of the application, Ref 22/04109/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The postcode in the banner heading above has been taken from the appellant's appeal form as the appellant has confirmed that the postcode on the application form was incorrect.
3. Both parties have drawn my attention to the relevant planning history related to the site, most notably a Prior Approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), which was given in February 2022¹. The description of development was 'Prior Approval for the change of use of existing barns into five self-contained dwellinghouses' and related to the conversion of the existing buildings on the appeal site. I will refer to this Prior Approval further in my decision.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB's) in England and Wales became 'National Landscapes' (NLs). I have therefore made reference to NLs in my Decision and specifically referred to the Mendip Hills AONB as the Mendip Hills National Landscape. However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged, and I have proceeded on this basis, continuing to refer to the AONB where relevant.

¹ Prior Approval Reference 21/04654/ADCOU

5. I have been provided with an electronic link to watch the relevant Development Control Committee meeting at which the appeal application was discussed. I have not watched this as I cannot be sure that all relevant interested parties have access to the facilities to watch it. It also does not bear directly on the planning merits of the case and therefore does not materially affect my judgement of the appeal.

Main Issues

6. The main issues are:

- whether the proposed development would be a suitable location for housing, having regard to the development strategy for the area and access to services and facilities;
- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the North Somerset and Mendips Bats Special Area of Conservation (SAC).

Reasons

Suitable Location

7. The site is located to the south of Hinton Blewett and lies outside of the housing development boundary, albeit it adjoins it to the north. Policy DW1 of the Local Plan Partial Update (LPPU) (2023) sets out the district wide spatial strategy, stating that the overarching strategy is to promote sustainable development by, amongst other criteria, development in rural areas being located at settlements with a good range of local facilities and with good access to public transport.
8. Part of the proposed development involves the conversion and extension of one of the existing barns to residential (identified as Plot 1 on the submitted plans). The Council do not allege any harm specific to Plot 1. Nevertheless, I have reviewed the proposal against Policy RE6 of the Bath and North East Somerset Placemaking Plan (Placemaking Plan) (2017), which relates to the re-use of rural buildings. I consider that in these circumstances, the criteria of Policy RE6 would be complied with for this part of the proposed development.
9. However, in relation to the 4 new dwellings, Policies RA1 and RA2 of the Placemaking Plan set out the criteria where development in the villages outside of the Green Belt would be acceptable. The demolition of all other barns on site for 4 new dwellings, would be outside of the housing development boundary and would not be supported by either Policy RA1 or Policy RA2. Furthermore, there is no Neighbourhood Plan for Hinton Blewett so it would not be specifically supported by criteria 'c' of Policy RA2. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. As such, the 4 new dwellings would be contrary to the development strategy for the area.
10. Furthermore, the appeal site is within an area with very limited services and is not served by public transport. Accordingly, future occupants of the proposal

would be largely reliant on the private vehicle to access day-to-day services and facilities, such as access to work, education, health and retail facilities.

11. Therefore, the proposal would not be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities. The proposal would be contrary to Policy DW1 of the LPPU and Policies RA1 and RA2 of the Placemaking Plan. Amongst other things, these policies, in combination, direct growth and new housing to the most suitable and sustainable locations, supporting residential development within the housing development boundaries, and resisting new homes in the countryside except in certain circumstances.

Character and Appearance

12. Elm Grove Farm currently consists of a group of disused farm buildings of varying size, design, construction age, materials, and condition, together with associated areas of hardstanding. The site lies on the edge of the village. It is not within the Green Belt but lies adjacent to the Mendip Hills National Landscape (Mendip Hills NL).
13. The majority of the barns on site, are typical simple agricultural buildings. The largest building has a steel portal frame, with corrugated roofing and sides, with a blockwork base. The barn to be converted to create Plot 1 is stone built and is a cluster of small stone barns, which lies immediately adjacent to the site access on Hook Lane. It is considered that the majority of the site contributes neutrally to the rural setting and character of the village due to the agricultural buildings being predominantly utilitarian buildings, albeit appropriate for their former use and rural location. The stone barn has a more positive contribution towards the traditional local character and appearance of the village as stone is the most common building material for dwellings in Hinton Blewett.
14. The conversion of the stone barn, including a first floor extension, to form Plot 1, would retain the road facing stone gable which would be appropriate to the local character. The barn conversion, which would also involve a small single storey rear extension, would retain the agricultural and rural character of the site, appropriate to the character and appearance of the area. Furthermore, it would be appropriate in the wider landscape, and would notably conserve the landscape and scenic beauty of the adjacent Mendip Hills NL.
15. However, the replacement of the existing agricultural buildings with four new dwellings would erode the rural character of the site. Whilst I would not go as far as saying that the proposal would be 'akin to a suburban cul-de-sac', as alleged by the Council, it would introduce a degree of urbanisation into a rural site, including the introduction of domestic paraphernalia causing harm. Its proximity to the Mendip Hills NL would mean that it would also fail to conserve the landscape and scenic beauty of the NL.
16. Therefore, I conclude that, whilst the conversion of the barn to form Plot 1 would be acceptable, the erection of 4 new dwellings would harm the character and appearance of the area. It would conflict with the objectives of Policy D2 of the Placemaking Plan which requires development to contribute positively to and not harm local character and distinctiveness. This includes, amongst others, responding positively to the site context, in particular the local character.

North Somerset and Mendips Bats Special Area of Conservation (SAC)

17. The site lies 4.8km to the east of Compton Martin Ochre Mines Site of Special Scientific Interest (SSSI), a component unit of the North Somerset and Mendips Bats SAC. This is subject to statutory protection under the Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended) (the Regulations). Regulation 61 of the Regulations requires the competent authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive.
18. The SAC is designated due to the presence of breeding and hibernating horseshoe bats. The limestone caves and mines of the Mendips and the north Somerset hills provide a range of important breeding and hibernation sites for bats. It also includes areas of semi-natural dry grassland and woodland which are used as feeding and commuting habitats by bats. It should be noted that there is existing urban development between the site and the SAC unit.
19. In regard to bat roosts, given the proximity to the SAC, it is highly likely that the bats present in summer form part of the lesser horseshoe bat population for which the SAC is designated in part. Furthermore, in regard to foraging habitats for SAC bat Populations, the proposal will result in the loss of ungrazed improved grassland, scattered & dense scrub, 13m of hedgerow and 9 x scattered trees, as such, the scheme will result in the physical removal of a modest length of dark vegetated linear corridor. Finally, in regard to dispersal corridors for SAC Bat populations, the hedgerows and trees located within the site, some of which are proposed to be removed, are likely used by bats for commuting including by individual lesser horseshoe bats. There are also potential impacts as a result of lighting design related to the new dwellings as Horseshoe bats have been found to actively avoid areas of light spill, even as low as 0.5 lux. Therefore, without mitigation (i.e. compensatory roosting provision, replacement planting and sensitive lighting design), the risk of a "likely significant effect" on the SAC cannot be completely ruled out.
20. It is therefore necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SAC. The evidence before me is clear that the proposal, either alone or in-combination with other plans and projects, for the reasons set out above, could have a likely significant effect on the SAC.
21. To mitigate this effect, the appellant sets out a number of mitigation measures. In regard to compensatory roosting provision, details of compensatory roosting provision are shown on drawing nos. P012 F and P026 C, as well as the specification in the Bat Assessment². A new roost would be created in a purpose-built bat house. Subject to detailed design to be agreed with Natural England (NE) through the licensing process, favourable conservation status would be maintained and there would be no significant impacts and no net loss of lesser horseshoe bat roosting opportunities.
22. In regard to landscaping and replacement planting, drawing no P012 F confirms that the majority of hedgerows would be retained, and they would be located outside of garden curtilages to ensure their retention in perpetuity. In

² Prepared by Noctua Ecology – dated 16th April 2023.

addition, they would be protected through the installation of permanent fencing, as confirmed in the Ecological Appraisal & Biodiversity Net Gain (BNG) Assessment³. Protection measures for vegetated habitats (including barrier fencing as per the AIA) would need to be implemented during works and could be secured by condition. Figure 4 of the Ecological Appraisal & BNG Assessment demonstrates that a range of replacement planting is proposed including the planting of 19 new trees, 97m of species rich hedgerow and of an area of species-rich scrub. In addition, the existing improved grassland would be enhanced through the use of a lower intensity management regime and the sowing of a species-diverse grassland seed mixture. Therefore, the proposal would not risk significant impacts on the SAC as vegetated linear corridors would be retained or replanted and more optimal foraging habitat (species-rich scrub and species-diverse grassland) would be created.

23. Finally, in regard to lighting design, the lux plan at Appendix 5 of the Lighting Strategy⁴ demonstrates that light spill onto retained hedgerows and trees from external sources would remain below 0.5 lux, at between 0.05lux or 0. A plan showing the location of external luminaires is provided at Appendix 4 of the Lighting Strategy. A sensitive lighting strategy has been designed that adheres to ILP 2018 guidance note, it incorporates measures to retain and protect existing bat flight lines and provide new habitat. The lighting scheme includes the use of bollard lights and downlighters. The downlighters would be controlled using PIR motion sensors and short duration timers. Whilst details of internal light spill have not been provided, the parameters set out in Lighting Strategy to reduce impacts from internal light spill (set out in Section 8) demonstrates the appellant's commitment to a sensitive internal lighting design. This would be achieved through the use of recessed ceiling down lighters or wall mounted luminaires. Lighting would be positioned to avoid any direct light spill through glazing by using directional luminaires. Therefore, it is considered feasible that internal light spill onto the boundary habitats could be designed so it does not exceed 0.5 Lux.
24. NE has been consulted accordingly. They are content that the mitigation measures set out above are sufficient to ensure that any adverse impacts on the integrity of the North Somerset and Mendips Bats SAC and its relevant features can be avoided. NE also confirms that it is content that these measures can be secured by way of suitably worded conditions. I have no reason to take a different view.
25. In view of the above, I am satisfied that the mitigation measures set out above can be appropriately secured by way of conditions and are capable of being enforced. They would be sufficient to ensure that the proposal would not have an adverse effect on the North Somerset and Mendips Bats SAC, either alone or in combination with other plans or projects. Therefore, the proposal would not lead to adverse effects on the integrity of the habitat sites either alone or in combination with other plans and projects. The proposal would comply with Policy NE3 of the LPPU in this respect, which states that for designated sites, development must provide the necessary compensatory measures and that mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ.

³ Prepared by Noctua Ecology, dated 1st October 2022.

⁴ Prepared by DFL, dated April 2023

Other Matters

26. Interested parties have expressed a wide range of concerns including sewerage, flooding and drainage, highway safety and an increase in vehicular movements. However, having considered the technical evidence before me and the views of the relevant statutory consultees and that of the Council, I consider that these matters can be controlled and maintained by appropriately worded conditions.
27. I understand interested parties' apprehensions that any approval could set a precedent for further building on greenfield land outside of the village boundary. This includes the allegation that the appellant would apply for additional development on the other land that they own around the village. However, my decision is based firmly on the merits and circumstances of the appeal development. As such, it does not set any precedent that can apply more generally in the area.
28. The existing occupants of 15 Glanville Drive, the neighbouring property to the northeast of the proposed plot 1, have alleged harm to their living conditions, in regard to privacy and noise. A cat-slide dormer would be introduced to the rear of Plot 1 in order to provide additional headspace for Bedroom 1 on the first floor as well as a small rooflight for the proposed ensuite. Due to the position of these windows, and the distance from the boundary with No 15, they would not result in any direct overlooking to No 15. Therefore, the privacy currently enjoyed by the occupants of No 15 would not be materially harmed.
29. Furthermore, in regard to the proposed drive of Plot 1 and its relationship with the side boundary of No 15, it is unlikely that the additional movements and manoeuvring associated with the 3 bedroom house would be significant enough to make the proposal unacceptable on this matter. Any noise or light spillage associated with the vehicles would also be limited. The proposed turning head would be positioned alongside the blank gable of No 15 and there would also be some proposed native hedgerow tree planting along the boundary which would offer suitable screening, preventing any direct overlooking into the rear garden and conservatory of No 15. This would ensure that the privacy currently enjoyed by No 15 would not be materially harmed.
30. The appellant has expressed concerns regarding the discussions during the Committee Meeting, specifically the weight to be given to the 'fallback position' of the Prior Approval and references to the Prior Approval process being 'a planning loophole' and 'unfair'. I also note that the appellant worked with the Council during the application process to get to a position where the case officer was able to recommend approval. Whilst these matters would have been frustrating for the appellant, it does not materially affect my consideration of the planning merits of the appeal proposal.

Planning Balance

31. I have found conflict with Policy DW1 of the LPPU and Policies RA1, RA2 and D2 of the Placemaking Plan, by virtue of the site not being in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities, as well as harm to the character and appearance of the area. Therefore, the proposal would conflict with the development plan as a whole.

32. Paragraph 47 of the Framework states that 'planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. The previous Prior Approval consent, as a fallback development, is a material consideration in the case of the appeal site.
33. Various court cases have considered the concept of a fallback development as a material consideration⁵. *Mansell v Tonbridge and Malling BC & others* ruled that there should be a "real prospect" of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances. In *R (SPVRG Ltd) v Pembrokeshire CC*, this case asked whether 'the fallback be significantly more harmful than the appeal scheme or would the effect be similar or less harmful?' It also asked 'if a genuine fallback exists is this a sufficient justification for a proposal which would cause significant harm (particularly if the degree of harm would be similar)?'
34. In *Schneck v SSHCLG & West Berkshire DC*, the Court held that "the prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Although the possibility of the fallback position happening may be very slight, this is sufficient to make the position a material consideration.
35. Bearing in mind the above, I consider that there is a real prospect of the Prior Approval consent being implemented. It is extant until February 2025 and consequently, the site could reasonably be developed to a residential site, with a similar degree of urbanisation and domestication to that in the current proposal, through the implementation of the Prior Approval. Both the appeal proposal and the Prior Approval would result in 5 dwellings, with a total of 16 bedrooms in a location contrary to the spatial strategy. The scale of development with regards to number of dwellings and total number of bedrooms and the location of the development is therefore comparable.
36. It is acknowledged that the Prior Approval scheme involved the conversion of the existing barns reflecting the former agricultural use of the site. The Council concluded that the proposal did not represent a betterment, in design terms, of the Prior Approval "fallback" scheme.
37. However, it is my view that the proper and sympathetic design of 4 dwellings would be preferable to the Prior Approval conversion scheme which I consider due to its bulk and poor design, wouldn't be sympathetically integrated into the local context of the site, both in terms of the character and appearance of the area, nor the wider setting of the NL. In this instance, the appeal proposal scheme would break up the massing of the development, as opposed to a large central mass of the conversion scheme under the Prior Approval. There would be a benefit to splitting the massing of built form up on the site to create a more open appearance to the sensitive edge of village site. The parking associated with the proposal would also be broken up. The layout of the appeal proposal would be comparable with the layout of the existing barns, with a courtyard arrangement in the centre with development spreading to the east. The sympathetic siting of the proposed dwellings would also assist in retaining an element of the rural character of the site.

⁵ *Schneck v SSHCLG & West Berkshire DC* [2022] EWHC 3335 (Admin), *R (SPVRG Ltd) v Pembrokeshire CC* [2022] EWHC 143 (Admin), *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314 and *Gambone v SSCLG*

38. Despite what is alleged by an interested party, from the evidence before me now, it appears that whilst wildflower seed was shown to be planted, the barns to the east of the site were outside of the red line boundary of the Prior Approval scheme and were identified to be retained as agricultural buildings. Plots 3 and 4 of the appeal proposal would be in a similar location to the existing barn to the east of the site. Whilst this would result in residential built form further east than the Prior Approval scheme, overall, the proposal would appear as a lesser amount of development on site due to the breaking up of built form, creating more open spaces and intervening soft landscaping around the built form. This would be a benefit to the site and the setting of the NL.
39. Although the new dwellings would be higher than the tallest existing agricultural building on site, the proposal would respond to the existing nearby houses in regard to scale, incorporating both two storey and one and a half storey elements of built form. The proposal would also incorporate design features which are suitable to the local character of the village, in the form of stone gable ends, timber cladding and simple, traditional fenestration details. The materials also reflect those present on the existing agricultural site.
40. The development would be visible from adjoining fields. However, for the above reasons, it would result in a softer transition and the visibility of the development would not be significantly harmful to the landscape when it is compared alongside the fallback position. Furthermore, in regard to the impact upon the scenic beauty and landscape of the adjoining NL, as already noted above, the proposal would break up the mass of built form on the site. This would allow the site to be more open to the surrounding landscape, including the NL, allowing for a better appreciation of the landscape and scenic beauty of the adjacent NL.
41. The separate vehicular access for Plot 5 would utilise an existing field entrance serving the site. This was also proposed to be used as a second entrance under the Prior Approval so it would again be a comparable feature to the Prior Approval scheme.
42. There are also additional benefits which arise from the appeal proposal, which are not required or applicable to the Prior Approval. The development before me now would require compliance with Policy SCR6 of the LPPU which relates to sustainable construction and requires development to provide on-site renewables to match energy demand. The appeal proposal would also provide a net gain of biodiversity, a 15% gain of habitats and 14% of hedgerow units, as well as providing new soft landscaping. Together these benefits carry moderate weight in favour of the development.
43. Overall, for the reasons set out above, the Prior Approval scheme would cause a greater degree of harm than the proposal before me now and therefore it is a valid fallback position of significant weight. This, together with the benefits I have outlined above, would be sufficient to outweigh the conflict with the development plan as a whole in this instance.

Conditions

44. The Council have suggested 18 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It

is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.

45. In order to prevent ecological harm to roosting bats and other wildlife, and to protect and enhance ecological interests, conditions requiring a Bat and Wildlife Mitigation, Compensation and Enhancement Scheme, as well as the final details of a Biodiversity Gain Plan and a Habitat Management Plan are all considered necessary. A condition requiring conformation of the implementation of the above measures is also required.
46. A landscaping condition is needed in the interests of the character and appearance of the areas as well as ensuring that appropriate biodiversity net gain is secured. A condition regarding samples of materials, is necessary to safeguard the character and appearance of the area.
47. In the interests of highway safety, conditions requiring a bound and compacted surfacing materials for the first 6 metres of the vehicular access and a condition requiring the visibility splays to be provided and for them to be kept clear of obstructions exceeding 600mm are both considered necessary. Likewise, in the interests of highway safety, as well as ensuring the proposal would be served by sufficient parking, a condition to ensure that the parking and turning areas are retained and kept clear of obstructions is considered both reasonable and necessary.
48. In the interests of water efficiency, conditions to secure a scheme for rainwater harvesting, as well as ensuring that the dwellings are constructed to achieve water efficiency of 110 litres per person per day are both considered necessary. A condition to ensure that the relevant parts of the Council's Sustainable Construction Checklist Supplementary Planning Document are achieved is considered reasonable and necessary in order for the dwellings to meet sustainable construction standards.
49. A condition to secure the optional technical standards 4(2) in the Building Regulations Approved Document M: 2 for plots 2-5 is considered necessary in order to ensure that the accessibility for market dwellings is achieved.
50. In the interests of the character and appearance of the area, a condition to ensure the replacement tree planting is carried out is necessary. A drainage condition is necessary to ensure that the development is provided with a satisfactory method of surface water drainage as well as in the interests of flood risk management. In order to avoid harm to bats and wildlife, a condition requiring the approval of new external lighting is considered necessary.
51. Finally, a condition to ensure that any contamination not previously identified is adequately dealt with, in order to protect the living conditions of the future occupants, is also considered both reasonable and necessary.

Conclusion

52. For the reasons set out above, having considered all other matters raised, I conclude that the appeal is allowed.

Laura Cuthbert

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings submitted 26 Sept 2023: P021 C, P022 C, P023 C, P024 C, P025 C

Drawings submitted 24 July 2023: P010 A, P012 F

Drawings submitted 28 April 2023: P013 A, P026

- 3) No development shall take place until full details of a Bat and Wildlife Mitigation, Compensation and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall be in accordance with the recommendations in Section 7 of the Ecological Appraisal and Biodiversity Net Gain report Rev 1.5 dated 25th April 2023 & in Section 6 of the Bat Assessment Rev 1.4 dated 16th April 2023 both produced by Noctua Ecology and drawings 2698 P012 E and 2698 P026 C including:
 1. Final details of the bat mitigation and compensation scheme (which can if desired take the form of a Natural England licence modification application), OR a copy of the Natural England bat mitigation licence that has been granted. All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales and prior to the occupation of the development;
 2. Method statement for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to boundary hedgerows, bats, nesting birds, common amphibians, badger, brown hare, and hedgehog, and proposed reporting of findings to the local planning authority prior to commencement of works; and
 3. Details of proposed measures to compensate and enhance the value of the site for wildlife to include 9 x bird boxes (comprising 2 x tawny owl boxes as well as provision for spotted flycatcher and blackbird), bespoke provision for barn swallow, bee bricks, insect boxes and hedgehog connectivity measures, with proposed specifications and locations to be shown on a plan.
- 4) No development shall take place until, final details of a Biodiversity Gain Plan for on-site delivery of Biodiversity Net Gain, and a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Plans shall deliver at least 0.27 habitat units and 0.60 hedgerow units. The Plans shall be in accordance with (but not limited to) the approved Biodiversity Net Gain Assessment, Figure 4 and drawing 2698 P010 A with current best practice guidelines and shall include (but not be limited to) the following:
 - A) An up-to-date BNG habitat map for on-site proposed habitats.
 - B) Habitat Management Plan- long-term management and protection measures for all retained habitats and species, including fencing and boundary details.

- C) Detailed planting and management prescriptions and operations for newly created habitats; locations, timing, frequency, durations; methods etc.
- D) Details of any management requirements for species-specific habitat enhancements to include hedgehog connectivity measures, 9 x bird boxes, bespoke provision for barn swallow, bee bricks and insect boxes.
- E) Annual work schedule for at least a 30 year period.
- F) Proposed resourcing and legal responsibilities.

The Biodiversity Gain and Habitat Management Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

- 5) No development beyond slab level shall take place until full details of both hard and soft landscape proposals and programme of implementation have been submitted to and approved by the local planning authority. These details shall include, as appropriate:
 - 1. Proposed finished levels or contours
 - 2. Means of enclosure
 - 3. Car parking layouts
 - 4. Other vehicle and pedestrian access and circulation areas
 - 5. Hard surfacing materials
 - 6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)
 - 7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)
 - 8. Retained historic landscape features and proposals for restoration, where relevant

Soft landscape details shall be consistent with the Biodiversity Net Gain Assessment/ Biodiversity Gain Plan/ Ecological Report/ Bat Mitigation and shall include:

- 1. Planting plans
 - 2. Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - 3. Schedules of plants, noting species, planting sizes and proposed numbers / densities
- 6) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the local planning authority. The schedule shall include:
 - 1. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
 - 2. Photographs of all of the proposed materials;
 - 3. An annotated drawing showing the parts of the development using each material. The development shall thereafter be carried out only in accordance with the approved details.
- 7) No occupation of the development or use hereby permitted shall commence until an absolute minimum of the first 6 metres of the vehicular access

beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

- 8) No occupation of the development shall commence until the visibility splay shown on drawing number '2307/01 Visibility splays onto Lower Road' has been provided. There shall be no on site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.
- 9) No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist based on post-construction site visit and inspection, and confirming and demonstrating, using photographs, completion and implementation of ecological mitigation measures as detailed in the approved ecology report and Biodiversity Net Gain Assessment (revised and updated version approved by condition) has been submitted to and approved in writing by the local planning authority. These details shall include:
 1. Confirmation of the implementation of the Bat and Wildlife Mitigation, Compensation and Enhancement Scheme referenced above including dates and evidence of any measures undertaken to protect site biodiversity; and
 2. Confirmation that proposed measures to enhance the value of the site for target species and habitats have been implemented.

All measures within the scheme shall be retained, adhered to, monitored and maintained thereafter in accordance with the approved details.

- 10) No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
- 11) Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted to and approved in writing by the local planning authority together with the further documentation listed below. The development must comply with the requirements of SCR6.

PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.

Minor Residential Development:

1. Energy Summary Tool 1 or 2;
2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)

All Residential Development:

3. Table 5 (updated);
4. Building Regulations Part L post-completion documents for renewables;

5. Building Regulations Part L post-completion documents for energy efficiency;
 6. Final as-built full data report from Passive House Planning Package or SAP;
 7. Microgeneration Certification Scheme (MCS) Certificate/s
- 12) The areas allocated for parking and turning, as indicated on submitted plan reference 2698- P012 Rev F shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 13) The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
- 14) The following dwellings hereby approved, in respect of plots 2-5, shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M: 2.
- 15) All replacement tree planting works shall be carried out in accordance with the approved details contained within the submitted arboricultural documents and as indicated on drawing 2698 P012_F. The works shall be carried out during the next available planting season following completion.
- Any trees or plants indicated on the approved scheme which, within a period of ten years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first submitted to and approved in writing by the local planning authority.
- 16) The development hereby approved shall be carried out in complete accordance with drainage strategy which shall be installed prior to the occupation of the development.
- 17) No new external or internal lighting shall be installed without full details of proposed lighting design being first submitted to and approved in writing by the local planning authority; details to include:
1. Proposed lamp models and manufacturer's specifications, proposed lamp positions, numbers and heights with details also to be shown on a plan;
 2. Details of predicted lux levels and light spill; and
 3. Details of all measures to limit use of lights when not required and to prevent upward light spill and light spill onto trees and boundary vegetation and adjacent land; and to avoid harm to bat activity and other wildlife. The lighting shall be installed maintained and operated thereafter in accordance with the approved details.
- 18) In the event that unexpected contamination is found at any time when carrying out the approved development, work must be ceased and it must be reported in writing immediately to the local planning authority. The local planning authority Contaminated Land Department shall be consulted to provide advice regarding any further works required. Unexpected contamination may be indicated by unusual colour, odour, texture or containing unexpected foreign material.

