



Appeal Decision

Hearing held on 30 & 31 July 2024

Site visit made on 31 July 2024

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/B1550/W/24/3341842

The Retreat, Lincoln Road, Rochford, Essex, SS4 3AF

- 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 Stephen Kerry against the decision of Rochford District Council.
 - The application Ref is 23/00497/FUL.
 - The development proposed is the mixed use of the keeping of horses and of stationing of caravans for residential use and laying of hardstanding and erection of dayroom ancillary to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the mixed use of the keeping of horses and of stationing of caravans for residential use and laying of hardstanding and erection of dayroom ancillary to that use at The Retreat, Lincoln Road, Rochford, SS4 3AF in accordance with the terms of the application, Ref 23/00497/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Stephen Kerry against the decision of Rochford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before any final document is published and thus carry limited weight. However, the written ministerial statement (WMS) is a material consideration which confirms the direction of travel of Government Policy. The parties have had the opportunity to comment on the proposed changes.

Main Issues

4. The parties agree that the appeal scheme would be inappropriate development in the Green Belt. This is because the appeal scheme is not any of the types of development listed as an exception within paragraph 155 of the Framework.

5. The Council have confirmed that they are no longer contesting matters relating to the adequacy of the access and highway matters as set out in the third reason for refusal.
6. As a result, the main issues in this appeal are the effect of the proposed development on:
 - the openness and purposes of the Green Belt
 - on the character and appearance of the area;
 - residential amenity, with particular regard to noise;
 - whether the development would be at risk from surface water flooding; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Openness

7. The appeal site is situated in the Metropolitan Green Belt where policy GB1 of the Rochford District Council Local Development Framework Core Strategy 2011 (CS) seeks to direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land, based on how well the land helps achieve the purposes of the Green Belt.
8. The parties agreed that it would not be practical for gypsy and traveller sites to be located outside of the Green Belt given the nature of the district. However, the council considers that the site contributes to the purposes of the Green Belt and that the development would result in encroachment through the siting of the two pitches to the rear of the site. However, the parties agreed that policy GB1 is inconsistent with the Framework and therefore I have given any conflict with it limited weight.
9. The fundamental aim of Green Belt policy, as set out in the Framework is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
10. The appeal site comprises a triangular shaped field, located on the corner of two access tracks, but enclosed by established hedgerows on two of its boundaries. The site is adjacent to the neighbouring property of Doric Lodge and opposite an existing cattery.
11. The proposal would also result in a modest degree of urbanisation and encroachment into previously undeveloped land, with the introduction of two pitches sited at the widest part of the site, adjacent to the boundary with Doric Lodge and two day rooms, contrary to paragraph 143 of the Framework which identifies the five purposes of the Green Belt, and of which c) is to assist in safeguarding the countryside from encroachment.
12. In this instance the effect of the cumulative increased scale of development would clearly be experienced both visually and spatially. For this reason, the proposed development would compromise the openness of the Green Belt, in

that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur and carries modest weight in this site-specific circumstance.

13. Paragraph 16 of the Planning Policy for Traveller Sites (PPTS) confirms that traveller sites are inappropriate development in the Green Belt. When applying Paragraph 155e of the recent Framework, it is apparent the proposed change of use would not preserve the openness of the Green Belt.
14. Accordingly, the proposal is inappropriate development in the Green Belt which paragraph 152 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

Character and appearance

15. The area is described by the Council as being part of a wider plotland area, which is dominated by open parcels of land with occasional mixed development and sporadic residential development. Therefore, the general character of the area is one of mixed development within a rural setting.
16. The site has been used for grazing and at the time of my visit horses were present in the adjoining field, which reflects the mixed character of the area and is very much that of a rural setting, where Policy C of the Planning Policy for Traveller Sites (PPTS) indicates that some sites may be located, whilst ensuring that they do not dominate the nearest settled community.
17. The area has appreciable qualities in terms of its rural character with the broader site contributing to the coherence of the rural landscape. The site, due to the presence of landscaping around its boundaries, has limited visibility from Magnolia Road and whilst the development would result in a change from the rural setting of the site, it would be viewed in the context of the neighbouring sites which also contains a number of buildings and structures. Thus, the introduction of development into the site would not be unduly harmful, having regard to the enclosed nature of the existing site.
18. I therefore conclude the development, whilst resulting in a limited loss of openness, would not result in harm to the character and appearance of the appeal site and its surroundings in accordance with policy DM1 of the Rochford District Council Local Development Framework Development Management Plan 2014 (DMP) which seeks to ensure the design of new development promotes the character of the locality to ensure that it positively contributes to the surrounding environment.

Residential Amenity - Noise

19. The Council have provided no evidence to support their suggestion that the resultant noise levels arising from the development would result in undue harm to residential amenity. However, anecdotal evidence was provided by third parties of how the occupation of the site by two families would result in increased noise and disturbance to those currently residing in the residential area.
20. There is no commercial use of the site proposed and I have nothing before me to indicate that the residential occupation of the site going forward, for two

pitches, would result in a level of noise and disturbance to existing residents which would be detrimental to their residential amenity.

21. It was also put to me that noise and disturbance would be experienced from increased movements along Magnolia Road. However, this road is already used to serve a number of residential and commercial properties and as such already experiences a degree of traffic movement including residents' cars and vehicles providing deliveries. There is nothing before me to suggest that the occupation of the site by two families would lead to an increase in traffic movements, such that noise and disturbance would occur materially above that which already exists from vehicles using Magnolia Lane.
22. Therefore, the proposal would, in this regard, accord with policies DM1 (xi) and DM3 (ii) of the DMP which, whilst not specifically referencing noise, seek to have regard to the impacts upon the amenities of neighbouring properties and protect the amenity of surrounding areas.

Surface Water Flooding

23. The site is located within Flood Zone 1; however parts of the site are at medium to high risk of surface water flooding. The residential development is located in the area of the site that would be at the lowest risk of flooding from surface water.
24. On the basis of the evidence before me I am satisfied that the measures set out in the Flood Risk Assessment, including raising the threshold level of the static caravans by 300mm above the design flood level, tethering the caravans to the ground and the raising of the access road above a permeable substrate will mitigate the risks outlined from surface water flooding.
25. The parties agreed during the hearing that the Council's suggested condition would secure the mitigation that has been set out within the appellant's flood risk assessment and that on this basis the risk of surface water flooding would be reduced from Very Low/Medium to Very Low to Low and there is nothing before me to indicate I should take a contrary view.
26. On this basis the development would accord with policy ENV3 of the CS which directs development away from areas at risk of flooding.

Other Matters

27. I have had regard to all of the other matters raised by local interested parties, including the impact of increased traffic movements associated with the proposed development. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in particular with regard of highway matters.
28. I have also taken into account the concerns raised with regard to ecology and drainage. Matters of drainage and a restriction to ensure no commercial activity takes place on the site can be controlled by condition. With regard to ecology, an ecology assessment was submitted to the Council who were content that the mitigation measures set out within the assessment were appropriate, and no reason for refusal was advanced in relation to ecology matters. Therefore, there is no substantive evidence before me that there would be harm in respect of these matters.

29. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

30. The appeal scheme proposes a net increase of two units on a site that lies within the Zone of Influence for one or more of the European Designated Sites (EDS) scoped in the RAMS.
31. The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the EDS. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
32. Since the development is for two pitches, the number of additional recreational visitors would be limited and the likely effects on EDS from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
33. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
34. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the EDS. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
35. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the EDS.
36. The appellants have indicated that they have made a per dwelling contribution to fund the Essex Coast RAMS. The Council have confirmed receipt of the payment. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will transfer the funds to Chelmsford City Council, which is the organisation responsible for administering the mitigation strategy. Therefore, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
37. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the

contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Other considerations

38. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in modest harm in terms of loss of openness to the Green Belt. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

Need for Gypsy and Traveller Sites

39. It is common ground that the Council cannot demonstrate an up to date 5-year supply of deliverable sites, with parties putting the need between 12 pitches by 2024 (appellant) or 14 pitches by 2026 (council). Evidence has been provided in the form of a recent appeal decision¹ in Rochford, from January 2024, where the Inspector in this appeal noted that the lack of supply had endured for a considerable period and that there had been policy failure in respect of the provision of Traveller pitches in the district.
40. It is clear that there remains a failure of policy with the timescale for the adoption of a new Local Plan having slipped several times, and now suggested to be on course for submission in 2025. Furthermore the 15 pitches allocated under policy GT1 of the CS have not yet been delivered.
41. This means that unmet need can only be met in the meantime through windfall sites coming forward with no possibility of securing a supply of plan led sites until at least 2026. The Council also accepted that the allocation of future sites will be on land that is currently within the Green Belt. These factors weigh in favour of the scheme.
42. Under the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010, I need to consider how the modest increase in the supply of sites arising from the development could positively contribute to the advancement of equality and good relations, with s149 placing an onus on public authorities to avoid discrimination and being proactive in promoting equality. The equality implications arising from the development are, as such, an important factor in favour of the proposal. As such I consider that need for Gypsy and Traveller sites carries considerable weight.
43. In accordance with the PPTS, in these circumstances, lack of supply should be a significant material consideration in relation to a planning decision when considering the grant of a temporary planning permission. However, the PPTS makes it clear that this does not apply to sites within, amongst other things, the Green Belt. It also does not say that the lack of supply is a significant material consideration when considering permanent schemes.

Personal Circumstances

44. Evidence has been supplied by the appellant to demonstrate a nomadic habit of life and the Council has not taken an alternative view or suggested the submissions are inconsistent or inaccurate. Accordingly, there is no dispute that both families are Gypsies and Travellers.

¹ APP/B1550/C/21/3286151 & 3286152

45. The appellant and both his family and his cousins are an ethnic minority, and thus have the protected characteristic of race under s149(7) of the Equality Act 2010 and so, as required by section 149(1) of the Equality Act 2010, the public sector equality duty is applicable.
46. There is therefore a need to have due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations. The appeal scheme would support the traditional way of life of families that have a protected characteristic and facilitate the establishment of a settled base for the appellant's family whilst they continued to pursue a nomadic lifestyle for economic purposes.
47. The appeal site would be occupied by, on the first pitch, the appellant, his wife and eight children. The family have been doubling up on a site in Basildon whilst seeking to establish a permanent base and will have to leave this pitch by the end of the year. The second pitch would be occupied by the appellant's cousin, his wife and their four children. They have been doubling up on friends and families pitches and the children currently attend school in Wickford.
48. I have been provided with details of the families' health conditions and it is clear that several occupants would benefit considerably from a settled base in order to have access to regular health care and more importantly hospital treatment within a setting that requires less travelling time. This will also ease levels of anxiety that are currently experienced within the family due to the continued uncertainty around having a settled based.
49. The two households also wish to have a settled base together in order that they can provide support to each other, particularly when the appellant and his cousin are away travelling for work.
50. Article 1 of the First Protocol sets out that a person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest. Article 8 of the Human Rights Act states that everyone has the right to respect for his private and family life and his home.
51. Dismissing the appeal would represent an interference with the home and family life of the proposed occupiers, such that both Articles would be engaged. There is also a positive obligation imposed by Article 8 to facilitate the gypsy way of life.
52. Aside from the best interests of the children, I attach moderate weight to the other personal circumstances as a factor in favour of the scheme noting that Policy E of the PPTS sets out that subject to the best interest of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. However, this does not mean they are given no weight, but rather, by themselves, they are unlikely to constitute very special circumstances.

Best Interests of the children

53. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. More particularly, case law identifies that, although a primary consideration,

the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.

54. The Planning Practice Guidance advises that decision-makers need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, it similarly advises they will want to ensure the approach is proportionate. Decision-makers need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community.
55. The appeal site would provide a settled base for 12 children, and their best interests need to be carefully considered. I accept that the best interests of the children would, in principle, be served by a permanent and secure home, whilst having regard to the fact that their educational needs are currently being met by a school in the local area. Whilst this can be maintained through the appellant's current arrangement living with family members on a nearby site, there is uncertainty that this situation will continue in the future.
56. There would also be educational benefits for the children in having a settled base, with more regular access to tutors for the older children, and the possibility of securing a Special Educational Needs (SEN) setting for one of the younger children.
57. If the appeal is dismissed, then both families would continue living in temporary locations, leading to a degree of uncertainty which could impact upon the children's welfare if they had to move from their current location. There would also be greater difficulty accessing a consistent education and in particular any SEN provision.
58. Instead, an enduring settled base would enable certainty in terms of access to education, healthcare and generally supporting the children's welfare by, for example, attending clubs, making friends and being close to family.
59. The merits of the case presented are such that I afford the benefits, of this development to the best interests of the children, significant weight.

PSED in relation to the occupier of Doric Lodge

60. The proposal would result in a change in the surroundings of Lincoln Road, with the introduction of development within an area of land which has previously had a low intensity of use in the form of grazing. This would directly impact the quiet enjoyment currently afforded to the occupiers of Doric Lodge, and in particular a person with protected characteristics.
61. The evidence before me sets out the importance of a tranquil location and how the site's location was carefully chosen to meet the medical needs of the occupier in conjunction with the court of protection.
62. The occupation of the site by two families, and in particular 12 children, would increase the level of activity that takes place on the site more so than the comings and goings associated with the use of the land for the grazing and stabling of horses. However, I have nothing before me to suggest that this

level of activity would cause noise and disturbance to such an extent as to have a detrimental impact on the living conditions of Doric Lodge.

63. Furthermore, the appellant has also outlined neurological conditions affecting proposed occupiers of the site and how it is as important to them to have a peaceful homelife and to have the benefit of the rural location.
64. In addition Doric Lodge is also in close proximity to another residential property, and would share a similar relationship between Doric Lodge and the appeal site. The distances to the boundary and the presence of screening in the form of dense vegetation would also further mitigate the impact of the development on the occupiers of Doric Lodge.
65. However, I have given great weight to the concerns outlined and to the impact the proposed development could have on the occupier of Doric Lodge, noting the particular health conditions which were outlined at the hearing, and this is a material consideration to which I have given moderate weight.

Green Belt Balance

66. I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
67. There are several points in favour of the proposal. The Council are unable to meet the accommodation needs of the appellant and his family, who are ethnic Gypsies and Travellers. The appeal scheme would support the traditional way of life of a family that has a protected characteristic.
68. The appeal scheme would facilitate the establishment of a settled base for the appellant's family whilst they continued to pursue a nomadic lifestyle for economic purposes. This would allow cultural traditions to be balanced with the practicalities of modern living thereby, advancing equality of opportunity. The unmet need for pitches also indicates inequality in housing opportunities and the proposal would help to offset this in a modest way.
69. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. It does not automatically follow that the appeal should be permitted because the PSED is relevant. Nonetheless, the equality implications weigh notably in favour of permitting pitches at the appeal site because dismissing the appeal would perpetuate the disadvantages currently endured.
70. The accommodation needs and personal circumstances of the intended occupiers are together, significant points in favour of the proposals. Furthermore, the best interests of 12 children is a primary consideration. All would benefit considerably from a settled base from which to gain social stability, medical care and an education. I have attached moderate weight to the accommodation needs and personal circumstances of the adults, and significant weight to the best interests of the children.

71. The Council have also confirmed that it is unable to demonstrate a supply of sites, and that the identified need will not be addressed through policy allocations until 2026 at the earliest.
72. Therefore, whilst having regard to Policy E of the PPTS, having taken account all the considerations outlined above collectively, they outweigh the substantial weight which must be given to Green Belt harm and the moderate weight I have given to the personal circumstances of the occupier of Doric Lodge. Consequently, I consider that there are very special circumstances necessary to justify inappropriate development in the Green Belt on a permanent basis and is therefore in accordance with policies GB1 and H7 of the CS.

Proportionality

73. Article 8 of the European Convention of Human Rights sets out that everyone has a right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others
74. The human rights interference associated with this conclusion, in relation to the occupier of Doric Lodge, is in accordance with the law and is necessary in a democratic society having regard to the rights and freedoms of others, which is a legitimate objective. The relevant planning policy objectives could not be achieved by means less imposing or intrusive, and the minimum action necessary to achieve those important ends, would not have an excessive or disproportionate effect on the interests of the persons affected. This includes the particular interests and accompanying rights of the children, which I attach significant weight.
75. The public interest cannot be served by means that cause less interference with the rights of the occupier of Doric Lodge. Therefore, allowing the appeal is a proportionate response in all the circumstances and a violation of rights under Article 1 and Article 8 would not occur.
76. In accordance with the public sector equality duty, due regard has been paid to minimising the disadvantages suffered by the occupier of Doric Lodge and to meeting their needs in so far as they are different to those without a relevant protected characteristic. Whilst ultimately the appeal is to be allowed, these considerations have been at the forefront of the decision-making process. Because of the circumstances of the appellant's and their families the identified outcome is a proportionate one.

Conditions

77. The Council has suggested conditions which I have considered against the advice in the National Planning Policy Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plan to provide certainty.

78. The proposals are acceptable, partly due to the personal circumstances of the intended occupiers and therefore it is necessary to impose a condition detailing this. As the proposed occupants are Gypsy and Travellers and the permission would be personal it is not necessary to restrict occupation to Gypsies and Travellers, defined so as to not exclude those who have ceased travelling permanently.
79. As only two pitches are justified it is necessary in the interests of certainty to secure this and the total number of caravans permitted on the site. I have also restricted the commercial use of the site and the size of vehicles to be kept at the site.
80. To limit the visual impact details of landscaping, external lighting and boundary treatments are also required to be submitted, agreed and implemented.
81. In order to ensure suitable living conditions for the occupiers of the site, details of foul drainage are also required.
82. The ecology assessment outlined a number of biodiversity mitigations and recommendations and therefore I have included a condition requiring a CEMP to be submitted which encompasses a number of the Council's suggested ecology conditions and for the mitigation to be implemented. I have also imposed a condition to ensure biodiversity enhancements are implemented.
83. In order to ensure that the risks associated with surface water flooding are adequately mitigated I have also imposed two conditions to ensure a flood warning and evacuation plan are submitted and the mitigation measures are fully implemented.
84. I have not found it necessary to impose the Council's suggested conditions requiring the day room to be built in accordance with approved plans, as this is a duplication of the approved plans condition. Nor is it necessary to impose a condition requiring its use to be ancillary to the residential use of the site.
85. I have also not found it necessary to limit the number of horses to be kept on the site, as this is not reasonable noting there is currently no restriction on how many horses can be grazed.
86. The Council has not provided me with any exceptional circumstances which would require the removal of permitted development rights for means of enclosure and therefore I can see no reason why such a condition would be necessary.

Conclusion

87. The proposal adheres to the development plan and there are no other considerations which outweigh this finding. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no's 001 REV P02; 002 REV P01; 003 REV P02; 005 REV P01
- 3) The occupation of the site hereby permitted shall be carried on only by Mr Stephen Kerry, Ms Eilean Connors, Mr James Gaskin and Mrs Chantelle Gaskin and their resident dependants.
- 4) When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.
- 5) There shall be no more than 2 pitches on the site and on each of the pitches hereby approved no more than 2 caravans [as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended], shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 6) No commercial activities shall take place on the land, including the storage of materials.
- 7) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 8) No development shall commence until a scheme of landscaping, including native hedge planting to the boundaries, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.
- 11) The occupation of the site shall not take place until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

- 12) No development shall take place until a detailed surface water drainage scheme for the site, based on the sustainable drainage strategy by GeoSmart 81279.01, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 13) Prior to commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will demonstrate mitigation measures to monitor and control environmental impacts through the construction phase of the project specifically in relation to the protection of protected species including badger, bat roosts, hedgehogs, nesting birds and reptiles and in line with mitigation measures and recommendations set out within the Ecological Appraisal prepared by Allied Ecology (May 2023).

The CEMP shall identify that construction activities so far as is practical do not adversely impact amenity, traffic or the environment of the surrounding area by minimising the creation of noise, vibration and dust during the site preparation and construction phases of the development.

All works on site shall be undertaken in accordance with the approved scheme.

- 14) Prior to first occupation of the development hereby approved, a landscaping plan depicting the following biodiversity enhancements shall be submitted to and agreed in writing by the local planning authority:

- 1no. bat box incorporated into the fabric of one of the dayrooms;
- 1no. bird box incorporated into the fabric of one of the dayrooms;
- 13cm x 13cm cut-outs at the base of proposed boundary features;
- Grazing friendly wildflower grassland areas.

The biodiversity enhancement as may be agreed by the local planning authority, shall be installed on site within a timeframe as informed by an ecologist which shall be agreed in writing by the local planning authority.

- 15) Prior to the installation of the front access gate (as proposed by drawing No. 003 REV P02) and any other fencing, gates, walls or other means of enclosure, their appearance (including height, material and colour) shall be submitted to and agreed in writing by the local planning authority. The front access gate (along with any other agreed means of enclosure) shall be installed in complete accordance with those details agreed and thereafter maintained.
- 16) A Flood Warning and Evacuation Plan, covering flood warnings, place of refuge, flood evacuation and safe/escape routes, shall be submitted and approved by the Local Planning Authority prior to the occupation of the site and shall be complied with.
- 17) The proposed mitigation measures as set out in the GeoSmart Flood Risk Assessment reference 81279R1 shall be implemented in full, prior to the first occupation of the site.

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