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## Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

**by Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 March 2025**

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**Appeal Ref: APP/J1860/W/24/3350677**

**Land South of Stourport Road, Great Witley, Worcester, WR6 6JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Bloor Homes Ltd against the decision of Malvern Hills District Council.
  - The application Ref is M/23/01309/OUT.
  - The development proposed is the construction of up to 90 homes, formation of access from Stourport Road, construction of new internal roads, footpaths and cycle links, sustainable drainage features, areas of open space, landscaping, habitat creation and associated works and infrastructure.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 90 homes, formation of access from Stourport Road, construction of new internal roads, footpaths and cycle links, sustainable drainage features, areas of open space, landscaping, habitat creation and associated works and infrastructure at Land South of Stourport Road, Great Witley, WR6 6JT in accordance with the terms of the application, Ref M/23/01309/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The planning application was made in outline, with all matters aside from access reserved. I assessed the appeal on that basis, treating the plans as illustrative aside from where they relate to the proposed access.
3. During the appeal the Council confirmed that it no longer sought to defend the second reason for refusal, relating to access to secondary school education. At the Hearing the Council also withdrew its reliance on Policy SWDP13 of the South Worcestershire Development Plan (adopted 2016) (the SWDP) insofar as it relates to the density of the proposed development.
4. In December 2024, during the course of this appeal, the National Planning Policy Framework (the Framework) was revised. The main parties were given opportunities to comment on the implications of this change in circumstances, and I have taken the responses into account in my decision.
5. The appeal is accompanied by a completed planning agreement (the S106) which seeks to provide obligations in relation to affordable housing, education, highway improvements, healthcare, community Infrastructure, public open space and the maintenance and management of such. I return to the matter of planning obligations later in my decision.

## Main Issues

6. Given the foregoing, the main issues are:

- the suitability of the site with regard to local and national policy for the supply of housing, with reference to the accessibility of services and the benefits of the best and most versatile agricultural land; and
- the effect of the proposal on the character and appearance of the area.

## Reasons

### Emerging policy context

7. The South Worcestershire Development Plan Review (the SWDPR) is undergoing examination, scheduled to be concluded in April. Part of the site, its western extent, is identified as housing allocation SWDP NEW 95 for around 44 homes in the SWDPR. However, given the stage of preparation of the SWDPR and the potential for it to change, it carries limited weight in relation to this appeal.
8. The emerging Great Witley and Hillhampton Parish Council Neighbourhood Plan 2024-2041 (the NDP) seeks to designate the appeal site as a Local Green Space under Policy GWH3. There are several stages before the NDP can be made, including assessment and a public consultation conducted by Malvern Hills District Council, and then independent examination and finally a referendum. Given such, and as the NDP with respect to the appeal site is at odds with the more advanced SWDPR, its policies attract very limited weight for the purposes of this appeal.

### Suitability of the site

9. The site is a chevron shaped field at the edge of Great Witley. Housing within The Glebe is to the west. A hedgerow separates the site from the A451 Stourport Road and housing to the north. To the east is the village recreation ground Bowen's Field and to the southeast a field. To the south the land rises to housing on Glendower Way and the village primary school. A footpath enters Bowen's Field from Stourport Road and offers a trim trail and seating opportunities along the site's east and south boundary, before passing into Glendower Way. To the north and west the village is set against the dramatic backdrop of the picturesque Abberley Hills.
10. Policy SWDP2 of the SWDP sets out the current development strategy and a settlement hierarchy for the plan area. Amongst other aims, it seeks to provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs, and to safeguard and wherever possible enhance the open countryside.
11. As a rural village, Great Witley is in the fourth position of the hierarchy. The appeal site is not within the village but immediately adjoins the settlement boundary. It is therefore for the purposes of the SWDP in the open countryside. Part C of Policy SWDP2 states that in the open countryside housing development will be strictly controlled and will be limited to certain circumstances, none of which apply to the proposed development. Given such, the proposal would not adhere to the SWDP's development strategy insofar as it would conflict with Policy SWDP2 Part C.
12. Part F of Policy SWDP2 goes on to say that proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character (matters I deal with below) and the location and the availability of infrastructure.

13. In terms of the location and availability of infrastructure, Great Witley is identified by the SWDP as a 'Category 1' village, meaning it is one of the more equipped to accommodate housing growth. Indeed, it is one of the most well serviced villages in South Worcestershire, coming in the top ten of the 178 South Worcestershire villages studied in 2019. Facilities include shops, a petrol filling station, a post office, village hall, and a doctor's surgery, in addition to Bowen's Field and the school. Future residents would be well catered for with this range of facilities.
14. Bus services are available to larger settlements such as Worcester and Tenbury Wells. They are limited in frequency and clearly there would be a degree of private vehicle use, with related carbon emissions, associated with the proposal. However, I am mindful that Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. A reliance on school transport is also commonplace in the countryside.
15. I acknowledge the concern locally about the impact of the proposal on certain local services, such as secondary school education and the doctor's surgery, cumulatively with other developments that have been granted permission in the area. However, it is not the role of the development to alleviate existing issues or the effects of other developments, but rather to ensure that its own effects would be adequately mitigated. The organisations responsible for these facilities, namely the Herefordshire and Worcestershire integrated Care System and Worcestershire County Council acting as the education authority, are satisfied that this would be achieved in this case. I have no compelling reason to disagree.
16. It is also important to note that the additional housing would likely add to the vitality of the village in respect to increased footfall to other facilities, such as the shops. There is a downward trend of pupil numbers at the village primary school; an issue the scheme would likely help to arrest. Overall, the proposal would be of an appropriate scale with regard to the location and the availability of infrastructure.
17. The appeal site wholly comprises an area of the best and most versatile (BMV) agricultural land, being 41% Grade 2 and 59% Grade 3a. The Council cannot demonstrate a five-year supply of deliverable housing sites, and a figure of 2.06 years is common ground between the main parties. Due to these evident issues relating to housing land supply, and the prevalence of BMV land in this area, I find that the proposed development could not reasonably be accommodated on lower grade agricultural land. That position is supported by the Council's desire to allocate part of the appeal site for housing in the SWDPR. Given the modest amount of BMV land that would be lost relative to its quantity elsewhere, I find that the benefits of the development would significantly outweigh the loss of BMV land.
18. Accordingly, whilst the proposal would conflict with the development strategy of the SWDP with regard to Policy SWDP2 C, the scheme would be appropriately located with reference to the availability of infrastructure in respect to SWDP2 F. The modest loss of BMV agricultural land would be justified under the terms of Policy SWDP13. The overall suitability of the site for the proposed development is a matter I return to in the planning balance.

#### Character and appearance

19. I observed Great Witley to be a lively and vibrant place, likely owing to its active community and good range of facilities. This character is reinforced by the location of the village at the junction of the busy A443 and A451. Despite more organic

origins, the recent history of the village has seen several, fairly compact, estate style developments. They have begun to fill the angle between the two main roads and have moved the village away from its originally loose texture. In terms of Great Witley itself, therefore, whilst I recognise that the quantum of the development in percentage terms would be a significant addition, it is not of a scale or type that would have an unacceptable effect on the size or character of the settlement.

20. The Council consider the footpath and Bowen's Field to be rural and tranquil. However, whilst undoubtedly pleasant, the footpath and recreation ground are framed by the village; the looming housing on Glendower Way, the hard built edge of The Glebe, the community facilities along the route, and the noise from the A451 all impose on one's senses and reinforce the position of the footpath and Bowen's Field within and/or at the edge of the village. This character would be retained.
21. Great Witley is in the Wooded Estatelands landscape character area<sup>1</sup>. The site contributes little to this area beyond being an open field bound by trees and hedgerows. I also concur with a previous Inspector<sup>2</sup> who found the site's position amongst the village to rather disconnect it from the surrounding landscape. It follows that the likely removal of the northern hedgerow and development of the field would inevitably harm the landscape character but in a limited way. When one considers the additional planting the scheme could provide, particularly the orchard planting, the net impact in landscape terms would be harmful, but modestly so.
22. In visual terms, the expansiveness, sloping topography and verdant landcover of the field are pleasing, and can readily be appreciated from part of The Glebe aside an open section of the site's west boundary, and from the aforementioned footpath. From the footpath the field presents an attractive pastoral foreground which assists in contextualising the village within its rural setting at the foot of the Abberley Hills.
23. The proposal would urbanise this foreground by bringing housing closer to the footpath. The illustrative drawings show that housing would likely spread uphill close to Glendower Way, at which point it would be particularly obstructive to the northwest views towards the Abberley Hills, views which are specifically identified in the NDP. On the other hand, the further north along the footpath the more openness would be retained due to the lower topography and the intervening, proposed open space. As such, there would be harm to views from the footpath, but only at its more southern extent. Outward views of the wider village setting could also be designed into the new public areas within the proposed development.
24. From The Glebe, the verdant and open view would be swapped for two storey housing. Given the nature of the change, and likely proximity of the housing, I do not share the optimism<sup>3</sup> that the harm would be ameliorated to a moderate level by landscaping. Rather, the level of harm would be major and permanent, albeit largely localised to the section of The Glebe with a low boundary to the appeal site.
25. As for Stourport Road, there are a plethora of boundary treatments along the road, some of which directly enclose it, some of which, such as at The Glebe, are more open with manicured verges. Housing, domestic paraphernalia and fences provide an overall village scene. The proposed hedge bound visibility splay, and the likely suburban layout of the development, would not harm this context. Whilst the

<sup>1</sup> Worcestershire Landscape Character Assessment (2013)

<sup>2</sup> Appeal Ref: APP/J1860/W/17/3187943

<sup>3</sup> Landscape and Visual Appraisal (2023)

Council refers to views southwards through the appeal site, much of the site itself is screened by the boundary hedgerow, with the most prominent aspects of the view being the built edge of The Glebe and the housing at the back of Glendower Way.

26. I travelled a section of the Worcestershire Way along a ridge and found views down to Great Witley village to be largely filtered by trees. When visible, the distances involved mean that the development would appear as an appropriate addition to the village as a whole, more akin to an infill type development. Likewise, the site is set down and for a large part screened in views from within Glendower Way and from further afield along Home Farm Lane.
27. Drawing this together, whilst the proposal would be an acceptable addition to Great Witley with regard to its scale and type, there would be significant, albeit localised, harm to the character and appearance of the area. In this respect, the proposed development would conflict with the relevant visual and landscape objectives of Policies SWDP2, SWDP21 and SWDP25 of the SWDP, and the Framework insofar as it recognises the intrinsic character and beauty of the countryside.

### **Other Matters**

28. Whilst there is local concern about the capacity of the highway network and the load capacity of nearby bridges, these matters have not raised an objection from the specialist engineers of the highway authority. In the parlance of the Framework, the residual cumulative impacts on the road network would not be severe. Whilst interested parties have referred to collisions in the surrounding area, the appellant's highway evidence identifies no integral safety issue around the appeal site, with the site access designed to recorded vehicle speeds. The detailed design of the housing layout, including the potential to enable charging of plug-in and other ultra-low emission vehicles, could be explored at the reserved matters stage.
29. Noise during construction would be inherently time limited and the timing of work could be managed through the agreement of and adherence to a Construction Management Plan (CMP). The CMP would also avoid the unacceptable discharge of other pollutants during the construction phase.
30. I understand that this area can experience high levels of silt in the surface water, which can eventually clog the base of infiltration systems. Percolation testing results have therefore used the BRE 365 Method, which calculates infiltration rates from the sides only. The results indicate that there would be sufficient attenuation space within ponds to ensure the greenfield runoff rate can be achieved. This would prevent the development causing surface water flooding off site. Whilst I am aware of previous issues with sewage water, it appears that this is to be resolved by recent upgrade works to the local sewage treatment plant in combination with other works that are ongoing. The delivery of these upgrades in concert with the delivery of the proposed development could be secured with a phasing condition. Although I appreciate that land ownership can make the responsibilities for the maintenance of drainage facilities fragmented, ultimately the use of conditions and the enforcement regime are an appropriate means of control for new development.
31. There has long been a large Badger sett at the southeast corner of the site. The Protection of Badgers Act 1992 protects these animals and their homes. The avoidance of housing and the concentration of open space where the badgers live would prevent direct damage to the badgers and their setts. The detailed

management of this, and also the protection of and/or provision of foraging habitat, can be adequately addressed with a Badger Mitigation and Monitoring Strategy.

32. All species of bat are protected. One tree along the south boundary is considered to have potential to support roosting and could be incorporated into the scheme. Whilst surveys show that linear habitat is used for foraging and commuting, the expert opinion is that bat can be adequately protected through the layout of the scheme at the reserved matters stage, and the agreement of a lighting strategy and also enhancement measures to be built into a biodiversity net gain strategy. The latter could include new areas of wildflower grassland and attenuation features to provide new foraging opportunities. I have no reason to reach a contrary view.
33. The site is in the setting of the Grade II listed building Old Rectory, which is to the northeast, and also the extensive setting of the Grade II\* Abberley Clock Tower to the northwest. I am mindful of my duty to have special regard to the desirability of preserving their settings. The significance of Old Rectory deriving from its setting is largely focused on its original grounds, its historic former outbuildings, and more widely, the village it once served. The appeal site is not part of these elements of the setting, and intervisibility between it and the listed building is very limited. The site does not therefore make a positive contribution to the significance of Old Rectory. Its setting would not be harmed by the enlargement of Great Witley in the manner proposed. In terms of the clocktower, views from the site do not illustrate a particular heritage interest of the asset. The scheme would simply add to the ongoing pattern of new development in the village, and views of the tower could be designed within the development itself. Its setting would not be harmed.

### **Planning Obligations**

34. The S106 would provide a policy compliant quantum of affordable housing. The tenure split would comprise 69% Social Rent, 25% First Homes, and 6% Shared Ownership. First Homes are no longer a national policy requirement. However, at the Hearing the main parties agreed that within the significant spectrum of affordable housing need in the Malvern Hills there is likely to be demand for First Homes, such that the inclusion of First Homes is justifiable in this case.
35. A commuted sum toward offsite community facilities, the proposed open and play spaces, and the maintenance arrangements of such would ensure accordance with Policies SWDP37 and SWDP39 insofar as they require that new developments provide high quality formal and informal recreational opportunities and contribute to enhancing community facilities to encourage healthy lifestyles. An obligation is necessary to secure a contribution towards the provision of capital investment to increase capacity, and thus offset an increase in pressure, at Great Witley Surgery.
36. Education contributions would be made towards additional secondary school places at The Chantry, which evidentially the school has available vacant land onsite to deliver. A contribution to special educational needs and disabilities (SEND) provision is also necessary, albeit the exact scale of these obligations cannot be known until the specific housing mix for the scheme is identified at the reserved matters stage. To cater for the predicted number of children that would require school transport, and people that would live in the development with mobility impairments, a contribution is necessary to be made to Community Transport. All in all, for these reasons, the S106 is in compliance with CIL Regulation 122, and I can take it into account in my decision.

## The Planning Balance

37. Planning law requires that proposals be determined against the development plan unless material considerations indicate otherwise. The conflict with the SWDP's development strategy pursuant to Policy SWDP2 C and the harm to the character and appearance of the area draw the proposed development into conflict with the development plan when read as a whole.
38. The Council's current 2.06-year housing land supply represents a severe shortfall. It means that the SWDP's development strategy is falling well short in its aim to meet the need for housing here and is also failing to support the government's objective of significantly boosting the supply of homes. The Council is seeking to address the situation with the SWDPR, but I cannot be certain as to the timeframe for its adoption. As such, I apportion the conflict with Policy SWDP2 C limited weight in this case. The conflict with the development plan policies insofar as they relate to the character and appearance of the area attracts significant weight, albeit the actual harm on the ground would be modest or highly localised.
39. Given the poor housing supply situation in the Malvern Hills, Paragraph 11 d) of the Framework applies. It states that permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
40. Regarding 11 d) i), the application of policies in the Framework that protect areas or assets of particular importance does not provide a strong reason for withholding permission. As for 11 d) ii), I have found that Great Witley would be a sustainable location to accommodate the proposed development. The scheme before me would make an effective use of the whole land parcel, incorporating substantial biodiversity gains, and public open space. Given the through traffic Great Witley has to contend with, the pedestrian enhancements to Stourport Road adjacent to the site would be a notable benefit to the village. I have no reason to doubt that the proposal would be well-designed. The open market and affordable housing, in an area severely lacking in the supply of both, also each attract substantial weight. Economic benefits associated with the construction phase and through the increased use of local facilities attract moderate weight.
41. Drawing the various threads of the scheme together, the adverse impacts of granting planning permission through the conflict with the development strategy and the harm to the character and appearance of the area would not significantly and demonstrably outweigh the substantial collective benefits of the proposal when assessed against the policies in the Framework when taken as a whole.
42. Accordingly, the appeal scheme would be sustainable development in the terms of the Framework for which there is a presumption in its favour. This is a significant material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole.

## Conditions

43. The Council has suggested several conditions some of which I have amended for the sake of clarity and precision. Given the pressing need for housing, the main parties agree that the standard time condition should be amended to require an application for the approval of all reserved matters to be made within a year, and for commencement to begin within a year of the approval of said reserved matters. Conditions are further required to ensure that the development accords with the relevant plans and to ensure it does not commence until all reserved matters are agreed. In order to guide the detailed design response, a condition is needed to provide broad compliance with the illustrative plans that accompany this appeal.
44. Given the archaeological potential of the site, it is proportionate for a condition to confirm that a programme of archaeological work, including a Written Scheme of Investigation, shall be agreed with the Council and implemented prior to the occupation of any of the homes. In the interest of highway safety, it is essential that a condition secures the delivery and retention of the access visibility splays. To reduce vehicle movements and promote sustainable transport modes, respective conditions detailing a Travel Plan and Travel Welcome Pack are needed.
45. In the interest of the living conditions of residents and highway safety, a CMP will be agreed with the Council prior to construction beginning. A further document shall also allow for the suitable management of the construction phase with regard to biodiversity. A condition will provide for the necessary Badger Mitigation and Monitoring Strategy. To ensure the development is adequately assimilated into its environment with respect to the character and appearance of the area and ecology, particularly bats, going forward, a Landscape and Ecological Management Plan shall be agreed with the Council. Similarly, a condition is essential to secure the biodiversity net gain.
46. A condition is required to secure water conservation and efficiency measures pursuant to Policy SWDP30 of the SWDP. On the same policy grounds, a condition is required to ensure all necessary sewage infrastructure works are carried out by the water authority before the development, or at least specific phases of the development if proportionate, is occupied. In the interest of not increasing flood risk elsewhere, conditions are essential to secure the delivery of the finer details of the strategy for surface water drainage and for surface and foul water drainage flows. Likewise, a condition shall confirm that the construction phase has suitable surface water drainage provision in place.

## Conclusion

47. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Matthew Jones*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                       |                                                   |
|-----------------------|---------------------------------------------------|
| Ms Thea Osmund-Smith  | Counsel, instructed by Owen Jones of LRM Planning |
| Mr Tim Jackson FPCR   | Director, CMLI                                    |
| Mr James Stacey MRTPI | Managing Director, Tetlow King                    |
| Mr Owen Jones MRTPI   | Director, LRM Planning                            |

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

|                       |                            |
|-----------------------|----------------------------|
| Mr Lee Walton         | Principal Planning Officer |
| Mr Chris Lewis-Farley | Tree and Landscape officer |

### **INTERESTED PARTIES:**

|                    |                                             |
|--------------------|---------------------------------------------|
| Cllr Paul Cumming  | Ward Member                                 |
| Cllr Frank Chapman | Great Witley and Hillhampton Parish Council |

### **DOCUMENTS SUBMITTED DURING OR SHORTLY AFTER THE HEARING**

- 1) Briefing Note – Ecological Assessment Addendum
- 2) BNG Spreadsheet
- 3) Completed S106 legal agreement

## Schedule of Conditions

- 1) Approval of the details of the appearance, landscaping, layout and scale (hereafter the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with the approved reserved matter details.
- 2) Application for the approval of all reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission. The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 3) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information (including details of the proposed materials) provided on the following plans – 07 Red line Plan, 21-0275\_SK01 E Access
- 4) The extent of the built development, open spaces and structural landscaping shall be broadly in accordance with the submitted drawings: 04 Rev D Illustrative Framework Masterplan, DR-L-0001 P04 Illustrative Landscape Masterplan.
- 5) A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - 1) The programme and methodology of site investigation and recording.
  - 2) The programme for post investigation assessment.
  - 3) Provision to be made for analysis of the site investigation and recording.
  - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
  - 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6) No other development hereby approved shall begin until visibility splays are provided from a vertical point 1.05m above carriageway level at the centre of the approved access and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 79m eastwards and westwards, respectively, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to grow on the triangular areas of land so formed which would obstruct the visibility described above, and the splays shall be retained in that form thereafter.

- 7) The development hereby approved shall not be occupied until a Travel Plan that promotes sustainable forms of access to the development site has been submitted to and agreed in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for a minimum of 5 years and shall be updated in agreement with the Local Planning Authority and thereafter implemented as updated.
- 8) The development hereby approved shall not be occupied until a residential Travel Welcome Pack promoting sustainable forms of access to the development has been submitted to and had approval in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of occupation.
- 9) The development hereby approved shall not be brought into use until the following highway improvement works comprising:-
  - New sections of 2.0m footway on the south side of Stourport Road Lane from the new site access in either direction;
  - Two sets of uncontrolled pedestrian crossing points, with dropped kerbs and tactile paving, on Stourport Road, either side of the new site access; and
  - An uncontrolled pedestrian crossing, with dropped kerbs and tactile paving, across the mouth of The Glebe.

have been completed to the satisfaction of the Local Planning Authority.

- 10) The Development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
  - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
  - Construction working hours, the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
  - Details of any temporary construction accesses and reinstatement.
  - A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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

- 11) No development shall take place (including any ground works, vegetation removal, or site clearance) until a Badger Mitigation and Monitoring Strategy report has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that measures to minimise impacts on badgers follow a hierarchy of avoidance, mitigation and compensation; and shall

include a topographical survey of the sett to establish likely impacts to tunnels; updated surveys to detail sett status and wider activity; an assessment of the amount and distribution of pre and post development badger foraging habitat; a comprehensive mitigation plan stating explicitly how negative impacts at all stages of the development are to be addressed (to include disturbance to setts, loss of badger foraging habitat, habitat fragmentation, entrapment within trenches or open pipes); on-going monitoring, timescales and remedial measures and their triggers.

The approved Badger Mitigation and Monitoring Strategy shall be adhered to and implemented strictly in accordance with the approved details.

12) No development shall take place (including any ground works, vegetation removal or site clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP - Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP - Biodiversity shall be based on the recommendations made in the Ecological Assessment Report dated June 2023 produced by Ecology Solutions, and be informed by updated surveys as appropriate, but will include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and with clear cross reference to the separate Badger Mitigation and Monitoring Strategy;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person;
- Use of protective fences, exclusion barriers, silt management measures and warning signs.

The approved CEMP – Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

13) No development shall take place until a Biodiversity Net Gain (BNG) Scheme has been submitted to and approved in writing by the Local Planning Authority: The Scheme shall be guided by the BNG shown in the metric submitted with the application but be informed by updated surveys and layout as appropriate, and will include biodiversity compensation and enhancement features for protected species. The BNG Scheme will include the following:

- Details of updated Defra Metric calculations to reflect final layout, and associated BNG report for on-site BNG provision.
- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;

- Detailed designs and working methods to achieve stated objectives (including, where relevant, type and source of materials to be used);
- Extent and location of proposed works and features shown on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the works;
- Initial aftercare;
- Details for disposal of any wastes arising from works.
- Details for monitoring and remedial measures.

The BNG Scheme shall be implemented in accordance with the approved details and all features retained in that manner thereafter. On completion of the ecological mitigation and enhancement works, a statement of compliance shall be submitted to the Local Planning Authority by the Ecological Clerk of Works confirming that consented measures have been implemented.

14) Within one month of the commencement of development hereby approved a landscape and ecological management plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. It shall include the following:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives; Prescriptions for management actions (to include management plan for water vole and otters);
- Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for the lifetime of the development (or a minimum of 30 years) thereafter;
- Details of the body or organisation responsible for implementation of the plan;
- On-going monitoring, timescales and remedial measures and their triggers

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP will be implemented in accordance with the approved details.

15) Concurrent with the submission of a reserved matters application, a Street Lighting Assessment report shall be submitted to and agreed in writing by the Local Planning Authority. The Assessment shall consider the following:

- The need or not for additional public highway street lighting in the vicinity of the new vehicular access.
- Any proposed lighting within the site and its justification.
- The environmental impact of any proposed street lighting, be it on the public highway or within private land.

Further to the above, the Street Lighting Assessment report shall include a 'lighting design strategy for biodiversity' which shall be informed by updated bat surveys as appropriate and shall:

- Identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed and impacts of internal light spill (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include the provision of dark corridor conditions (LUX levels at or below 0.4 in the vertical plane and 0.2 LUX in the horizontal plane) for retained trees, hedgerows and commuting routes for bats.

All lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

- 16) Prior to the first occupation of any of the residential development hereby permitted, written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the water conservation and efficiency measures shall be retained.
- 17) There shall be no occupation of the development hereby permitted until confirmation has been provided by Severn Trent Water Ltd. to the Local Planning Authority that: i) all foul water network upgrades required to accommodate the additional demand to serve the development have been completed; or ii) a development and infrastructure phasing plan has been agreed to permit additional development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation of the additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- 18) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

- 19) No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance, soil stripping and pond amendments. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk.

The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site and thereafter maintained during the full duration of the construction phase.

- 20) No development shall take place until a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and the Flood Risk Assessment and Drainage Strategy (06803/FRA/002 P1 and technical notes 06803 V-P0/2).

If infiltration techniques are to be used the strategy shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of the third party for this connection. The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage.

Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.