



Appeal Decision

Site visit made on 8 April 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/H1840/W/24/3350741

Land at (OS 9214 5555), Church Road, Crowle, Worcestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Spitfire Homes Ltd against the decision of Wychavon District Council.
- The application Ref is W/24/00460/FUL.
- The application sought planning permission for full planning permission for 30 dwellings (use Class C3, including 12 affordable homes, public open space along with detailed access not Church Road and associated infrastructure including drainage and landscaping without complying with a condition attached to planning permission Ref W/22/02683/FUL dated 22 December 2023.
- The condition in dispute is No.4 which states that: *Prior to commencement of any development a scheme for the disposal of sewage and associated improvements to the treatment works shall have been submitted to and approved in writing by the Local Planning Authority and no part of the development shall be occupied until the necessary improvement works to serve the development have been undertaken in accordance with the approved scheme.*
- The reason given for the condition is: *Connection to the existing sewerage system without improvements to the receiving treatment works is likely to have an adverse environmental impact. The condition is required to ensure adequate time is given to provide the necessary improvement to ensure no undue environmental impact results from the development. In accordance with Policy SWDP29 and SWDP30 of the South Worcestershire Development Plan, 2016.*

Decision

1. The appeal is allowed and planning permission is granted for full application for 30 dwellings (Use Class C3), including 12 affordable homes; public open space along with detailed access onto Church Road; and associated infrastructure including drainage and landscaping at Land at (OS 9214 5555), Church Road, Crowle, Worcestershire in accordance with application Ref W/24/00460/FUL without compliance with condition No.4 previously imposed on planning permission Ref W/22/02683/FUL dated 22 December 2023 and subject to conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Spitfire Homes Ltd against Wychavon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the site address above from the original planning permission¹. If the appeal is allowed and the condition varied, a new permission is created. However, the original planning permission is not a risk and remains extant and unaltered

¹ W/22/02683/FUL granted 22 December 2022

(along with the conditions originally attached to it), regardless of the outcome of the appeal. Therefore the site address should be the same on both permissions.

4. During the course of the appeal the government revised the National Planning Policy Framework (the Framework) in December 2024. The parties have been given the opportunity to comment.

Background and Main Issue

5. Planning permission has already been granted for 30 dwellings, as described above. I am led to understand that the original condition 4 was amended during determination of the application at the planning committee and deviated from the condition proposed by Severn Trent Water (STW). The appellant accepted the amendments, without full opportunity to reflect on the implications. T
6. Condition 4 requires the submission of technical details for a foul water drainage scheme to serve the development. The originally intended drainage system would see foul water from the proposed dwellings conveyed by a gravity sewer system to an on-site pumping station. Foul water would then outfall to the public foul sewer, via a connection to an existing manhole agreed with STW. The condition also requires associated improvements to the existing downstream Severn Trent Water (STW) network/treatment works as there are acknowledged capacity difficulties to adequately treat sewage when there are surface water overloads. I am advised that there have been incidences of partially treated waste being discharged into the nearby Bow Brook, giving rise to concerns from interested parties of adverse environmental impacts.
7. The original condition 4 also restricted occupancy of the any part of the development site (which would include any of the dwellings) until the necessary improvement works have been undertaken to the STW treatment works. The appellant has been working with STW to gain some certainty as to the timescales involved for completion of the improvements to the STW treatment works to increase its capacity. STW have given a window of a five-year period (2024-2029) but are unable to give confirmed dates until the improvements and budgets have been agreed and confirmed.
8. This would create uncertainty for the appellant as to when the housing development could start on site, as the timescale for improvements to the STW treatment works would be beyond its control. Believing the requirement to wait for these improvements to be carried out to be unreasonable, the appellant has sought to vary Condition 4 by effectively removing this requirement but at the same time proposing an alternative foul drainage scheme.
9. The revised drainage system for the site would involve the installation of an on-site private treatment works. This would treat the effluent and remove solid matter, before discharging the remaining water to the public network and onto the STW treatment works.
10. The appellant's initially suggested re-wording for condition 4 has changed following consultation and discussion with both STW and the Council. Revised wording for condition 4 has since been mutually agreed between the main parties.
11. The application was taken to the Council's Planning Committee. Various members and the Parish Council expressed concerns that the development would fail to

make satisfactory arrangements for the disposal of foul sewage to ensure that the development (for 30 dwellings) would not increase the risk of flooding and overspill into the Bow Brook and its catchment. The Planning Committee thus voted to refuse the variation of condition 4.

12. In light of the above, the main issue in this appeal is the effect that varying condition 4 would have on the local environment with particular regards to foul drainage and flood risk.

Reasons

13. STW has confirmed in its various consultation responses that the existing STW treatment works has capacity to serve the 30 dwellings from the proposed development, which already has planning permission.
14. The appellant's revised proposed drainage scheme and indicated on block plan drawing² and Level and Drainage Concept Plan³, would continue to involve the foul water from the development conveyed by a gravity sewer system. Instead of going to the pumping station it would first go through a private on-site treatment works. Here the effluent would be treated and solid matter removed. The resulting foul water would leave the site via the on-site pumping station and be discharge into the public sewer and on to the STW treatment works.
15. The foul water that would reach the STW Treatment Works would thus be pre-treated and STW has confirmed its willingness to accept the pre-treated foul water. Building 30 new dwellings on the site would increase the volume of foul sewage needing to be dealt with. However, the revised drainage scheme would send less solid matter to the STW treatment works, so there is less treatment to be done there. Furthermore, removal of solids would also reduce the risk of blockages and thus the risk surcharging into the Bow Brook, which interested third parties are particularly concerned about with the associated implications for water quality and for the wider environment. STW have indicated that 30 dwellings is their 'line in the sand' and would accept no more dwellings until the STW treatment works have been improved and upgraded.
16. Following discussions STW, which is the statutory undertaker, is satisfied with the proposed revised drainage scheme and the revised wording of condition 4, which would read:-

Prior to the commencement of the development, with the exception of the proposed access road, full details of a scheme for the provision of foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall:

- *Include the design of all on and off-site foul sewerage infrastructure, the diameter of proposed pipes and the capacity of any on or -off-site storage;*
- *Include a timetable and programme for the provision of the foul sewerage infrastructure; and*
- *Demonstrate that where connection to the public sewer is proposed, approval for a sewer connection is provided by the Statutory body permitting discharge into the public system for the requisite number of properties.*

² Proposed site block plan PA_03 Rev A

³ Levels and Drainage Concept document no. AAC5947-RPS-xx-xx-DR-C-600-01 Rev P06

The development shall be carried out in accordance with the approved details and the approved timetable and programme.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul sewage and to ensure the development does not increase the risk of flooding. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development, in accordance with Policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

17. I have no substantive evidence to the contrary that the proposed revised foul drainage arrangements and wording changes to condition 4, which have been mutually agreed by the statutory undertaker, the Council and appellant, would lead to an increase in flood risk and overflows into the Bow Brook. The Parish Council commissioned their own independent drainage report⁴. It found the on-site sewage treatment plant system, rather than discharging directly into the adopted sewer, was an unusual technical solution, but nonetheless reasonable. The report also confirmed that it is ultimately STW's decision whether or not it accepts foul water at its treatment plant. However, the onus lies with the statutory undertaker to maintain and where necessary increase capacity of the drainage infrastructure to accommodate demand.
18. I find it would be unreasonable and unnecessary for the appellant to wait up to 5 years for STW to undertake improvements and upgrades to its treatment works, when there is an alternative foul drainage scheme that would be workable and which the statutory undertaker has agreed to. Furthermore, the appellant's response to the revised Framework indicates the Council has a significant shortfall of housing land, just over 1 year's supply or some 3,981 dwellings. Varying the condition in the manner suggested would help unlock the delivery of much needed housing, which can be built without undue delay whilst at the same time having sufficient safeguards to ensure there is adequate environmental protection. Whilst any surcharging into the Bow Brook is regrettable, it is not a reason for refusal as the onus for that rests with STW. I am therefore satisfied that condition 4 can be varied in the manner suggested, and which is agreed to by the appellant, the Council and STW as statutory undertaker.

Conditions

19. In allowing the appeal, a new planning permission is created with the varied condition 4. The Planning Practice Guidance makes clear that decision notices for the grant of an application under Section 73 should restate conditions that are still subsisting and capable of taking effect.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed.

K. Stephens
INSPECTOR

⁴ Foul and Surface Water Drainage Summary undertaken by CSG Consulting Engineers dated May 2024.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted must be commenced not later than the expiration of three years from the date of the original permission W/22/02683/FUL approved 3rd January 2024.

Reason: To conform with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

- 2) Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents:

PA_01 Rev A entitled 'Location Plan' PA_02 Rev A entitled 'Existing Site Block Plan'

PA_03 Rev A entitled 'Proposed Site Block Plan'

PA_04 entitled 'Plot 1 Proposed Floor Plans Ground & First Floor'

PA_05 entitled 'Plot 1 Proposed Elevations Front & Side Elevation'

PA_06 entitled 'Plot 1 Proposed Elevations Rear & Side Elevations'

PA_07 entitled 'Plot 11 Proposed Floor Plans Ground & First Floor'

PA_08 entitled 'Plot 11 Proposed Elevations Front & Side Elevation.'

PA_09 entitled 'Plot 11 Proposed Elevations Rear & Side Elevations'

PA_10 entitled 'Plot 9 & 23 Proposed Floor Plans Ground & First Floor'

PA_11 entitled 'Plot 9 & 23 Proposed Elevations Front & Side Elevation'

PA_12 entitled 'Plot 9 & 23 Proposed Elevations Rear & Side Elevations'

PA_13 entitled 'Plot 2 & 13 Proposed Floor Plans Ground & First Floor'

PA_14 entitled 'Plot 2 & 13 Proposed Elevations Front & Side Elevation'

PA_15 entitled 'Plot 2 & 13 Proposed Elevations Rear & Side Elevations.'

PA_16 Rev A entitled 'Plot 22 Proposed Floor Plans Ground & First Floor'

PA_17 Rev A entitled 'Plot 22 Proposed Elevations Front & Side Elevation'

PA_18 Rev A entitled 'Plot 22 Proposed Elevations Rear & Side Elevations'

PA_19 entitled 'Plot 3 Proposed Floor Plans Ground & First Floor'

PA_20 Rev A entitled 'Plot 3 Proposed Elevations Front & Side Elevation' 2

PA_21 Rev A entitled 'Plot 3 Proposed Elevations Rear & Side Elevations'

PA_22 entitled 'Plot 12 Proposed Floor Plans Ground & First Floor'

PA_23 entitled 'Plot 12 Proposed Elevations Front & Side Elevation'

PA_24 entitled 'Plot 12 Proposed Elevations Rear & Side Elevations'

PA_25 entitled 'Plot 10 Proposed Floor Plans Ground & First Floor'

PA_26 entitled 'Plot 10 Proposed Elevations Front & Side Elevation'

PA_27 entitled 'Plot 10 Proposed Elevations Rear & Side Elevations'

PA_28 Rev A entitled 'Plot 4 Proposed Floor Plans Ground & First Floor'

PA_29 Rev A entitled 'Plot 4 Proposed Elevations Front & Side Elevation'

PA_30 Rev A entitled 'Plot 4 Proposed Elevations Rear & Side Elevations'

PA_31 Rev A entitled 'Plot 5, 6, 7 & 8 Proposed Floor Plans Ground & First Floor'

PA_32 Rev A entitled 'Plot 5, 6, 7 & 8 Proposed Elevations Front & Side Elevation'

PA_33 Rev A entitled 'Plot 5, 6, 7 & 8 Proposed Elevations Rear & Side Elevations'

PA_34 entitled 'Plot 18 Proposed Floor Plans Ground & First Floor'

PA_35 entitled 'Plot 18 Proposed Elevations Front & Side Elevation'

PA_36 entitled 'Plot 18 Proposed Elevations Rear & Side Elevations'

PA_37 entitled 'Plot 19 Proposed Floor Plans Ground & First Floor'

PA_38 entitled 'Plot 19 Proposed Elevations Front & Side Elevation'

PA_39 entitled 'Plot 19 Proposed Elevations Rear & Side Elevations'
PA_40 entitled 'Plot 20 Proposed Floor Plans Ground & First Floor'
PA_41 entitled 'Plot 20 Proposed Elevations Front & Side Elevation'
PA_42 entitled 'Plot 20 Proposed Elevations Rear & Side Elevations'
PA_43 Rev A entitled 'Plot 15 & 21 Proposed Floor Plans Ground & First Floor'
PA_44 Rev A entitled 'Plot 15 & 21 Proposed Elevations Front & Side Elevation'
PA_45 Rev A entitled 'Plot 15 & 21 Proposed Elevations Rear & Side Elevations'
PA_46 Rev A entitled 'Plot 14 Proposed Floor Plans Ground & First Floor'
PA_47 Rev A entitled 'Plot 14 Proposed Elevations Front & Side Elevation'
PA_48 Rev A entitled 'Plot 14 Proposed Elevations Rear & Side Elevations' 3
PA_49 entitled 'Plot 16 & 17 Proposed Floor Plans Ground & First Floor'
PA_50 entitled 'Plot 16 & 17 Proposed Elevations Front & Side Elevation'
PA_51 entitled 'Plot 16 & 17 Proposed Elevations Rear & Side Elevations'
PA_52 entitled 'Plot 29 & 30 Proposed Floor Plans Ground & First Floor'
PA_53 entitled 'Plot 29 & 30 Proposed Elevations Front & Side Elevation'
PA_54 entitled 'Plot 29 & 30 Proposed Elevations Rear & Side Elevations'
PA_55 entitled 'Plots 24 & 25 Proposed Floor Plans Ground & First Floor'
PA_56 entitled 'Plots 24 & 25 Proposed Elevations Front & Side Elevation'
PA_57 entitled 'Plots 24 & 25 Proposed Elevations Rear & Side Elevations'
PA_58 entitled 'Plots 26, 27 & 28 Proposed Floor Plans Ground & First Floor'
PA_59 entitled 'Plots 26, 27 & 28 Proposed Elevations Front & Side Elevation'
PA_60 entitled 'Plots 26, 27 & 28 Proposed Elevations Rear & Side Elevations'
PA_61 Rev A entitled 'Garage Type A Village'
PA_62 entitled 'Garage Type B Village'
PA_63 Rev A entitled 'Garage Type B Rural –Variation A'
PA_64 Rev A entitled 'Garage Type B Rural – Variation B'
PA_65 Rev A entitled 'Garage Type C Village –Variation A'
PA_68 Rev A entitled 'Garage Type E Rural'
PA_71 entitled 'Garage Type G Village'
PA_72 Rev A entitled 'Proposed Street Elevations'
PA_73 Rev A entitled 'Boundary Treatments Plan'
PA_74 entitled 'Boundary Details'
PA_75 Rev A entitled 'Parking & Refuse Strategy Plan'
PA_76 Rev A entitled 'Materials Plan'
PA_77 Rev A entitled 'Tenures Plan' A
PA_78 Rev A entitled 'Building Heights' - A
PA_79 Rev A entitled 'Accommodation Plan' - A
PA_80 Rev A entitled 'Garage Type A Rural' 4
PA_81 entitled 'Garage Type C Village –Variation B'
PA_82 entitled 'Garage Type H Rural'
ZLA_1368-I-200 Rev E entitled 'Landscape Strategy'
TSP-01 Rev 1 entitled 'Tree Survey Plan'
TRP-01 Rev 2 entitled 'Tree Removals Plan'
22-04746-SK02C entitled 'Geometric Plan'
22-0746_SK06 entitled 'Pedestrian Visibility Assessment'
22-0746_SK01C entitled 'Visibility Assessment'
Flood Risk Assessment and Drainage Strategy, 01, November 2022, RPS Group Ltd,
Ground Infiltration Tests received, 11th May 2023,
Transport Statement, November 2022, Rappor Consultants Ltd.,
Road Safety Audit, Rappor dated 11th May 2023

Biodiversity Net gain Plan, V4 May 2023, Zebra Ecology
Preliminary Ecological Appraisal, V3, December 2022, Zebra Ecology
Bat Transect and Automated Survey Report, V1 November 2022, Zebra Ecology
Great Crested Newt Update via Letter dated December 2022, Zebra Ecology
Arboricultural Statement and Tree Condition Survey, November 2022, Ruskins Tree Consultancy.

Reason: To define the permission.

- 3) No development above floor slab level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials as approved.

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

- 4) Prior to the commencement of the development, with the exception of the proposed access road, full details of a scheme for the provision of foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority.

These details shall:

- Include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and the capacity of any on or off-site storage;
- Include a timetable and programme for the provision of the foul sewerage infrastructure; and
- Demonstrate that where connection to a public sewer is proposed, approval for a sewer connection is provided by the Statutory body permitting discharge into the public system for the requisite number of properties.

The development shall be carried out in accordance with the approved details and the approved timetable and programme.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul sewage and to ensure that the development does not increase the risk of flooding. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan, 2016.

- 5) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and Church Road, Crowle Flood Risk Assessment and Drainage Strategy HLEF85303. The approved SuDS management plan shall be implemented

in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28, SWDP29 and SWDP 30 of the South Worcestershire Development Plan, 2016.

- 6) Development shall not begin until visibility splays are provided from a point of 1.05m above carriageway level at the centre of the proposed access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 79 metres in each direction measured along the nearside edge of the adjoining carriageway, to a vertical offset distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: To ensure appropriate access and in the interests of highway safety in accordance with Policy SWDP4 and SWDP21 of the South Worcestershire Development Plan, 2016.

- 7) Development shall not begin until pedestrian visibility splays are provided from a point of 1.05m above carriageway level at the centre of the access to the application site and 2 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 79 metres in each direction measured along the nearside edge of the adjoining carriageway, to a vertical offset distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: To ensure appropriate access and in the interests of highway safety in accordance with Policy SWDP4 and SWDP21 of the South Worcestershire Development Plan, 2016.

- 8) No development shall begin until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:-
- a) details to minimise the impact of noise, vibration and dust from construction and site clearance activities and the traffic associated with this development, including a scheme for vehicle wheel cleaning and other measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - b) details of site operative parking areas, material storage areas and the location of site operative facilities (offices, toilets etc);
 - c) responsible persons and lines of communication;
 - d) a management strategy and proposals for the minimisation of construction waste;

- e) details of any temporary construction accesses; 7
- f) a scheme of temporary signage to direct construction related traffic to enter and exit the site;
- g) details of the routing of HGV,s and delivery lorries on the highway network associated with the proposed development to and from the site together with agreed traffic management measures.
- h) 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.

Reason: To protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance, minimise the risk of accidents. Policies SWDP 4, 21, and 31 of the South Worcestershire Development Plan, 2016.

- 9) (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:
- i. The programme and methodology of site investigation and recording.
 - ii. The programme for post investigation assessment.
 - iii. Provision to be made for analysis of the site investigation and recording.
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - vi. 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.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

- 10) No development shall take place (including any ground works, demolition or clearance) until a construction environmental management plan (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 Preliminary Ecological Appraisal, Ref.ZEL_301 V3, dated December 2022, the Great Crested Newt Survey Update letter dated 01 December 2022 and the Bat

Transect and Automated Survey Report, Ref.ZEL_301 V1 dated November 2022, all by Zebra Ecology, and shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and Policy SWDP22 of the South Worcestershire Development Plan, 2016.

- 11) Prior to 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. The content of the LEMP shall be based on the recommendations made in the Preliminary Ecological Appraisal, Ref.ZEL_301 V3, dated December 2022 by Zebra Ecology and shall be guided by the requirement to achieve the Biodiversity Net Gain scheme approved under condition 2 above and maintain this after implementation, and shall include the following:

- a) Details (type and location) of wildlife boxes and hibernacula;
- b) Description and evaluation of the features to be managed;
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) On-going monitoring and remedial measures.

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 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.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan 2016.

- 12) Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts. Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development. This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan, 2016.

- 13) The development hereby approved shall not be occupied until a detailed boundary treatment plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the positions, design and materials used in the construction of the boundary treatments to be erected/planted. The developer is encouraged to incorporate hedgehog friendly detailing into boundary fencing. The approved details shall be fully implemented before the first occupation of the development and shall be retained thereafter.

Reason: To ensure the safeguarding of the rural landscape and visual amenity and to provide biodiversity inclusions in accordance with Policies SWDP21, 22 and 25 of the South Worcestershire Development Plan, 2016.

- 14) Prior to the first occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-
- i. a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - ii. a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - iii. a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

- iv. a written specification outlining cultivation and other operations associated with plant and grass establishment.
- v. a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting. All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan, 2016.

- 15) The development hereby approved shall not be occupied until the internal residential roads, visibility splays, individual accesses, parking and turning facilities, EV, cycle parking have been provided as shown on approved plan reference PA_03 Rev A entitled 'Proposed Site Block Plan' and approved plan reference PA_75 Rev A entitled 'Parking & Refuse Strategy Plan'.

Reason: To ensure conformity with submitted details and to ensure adequate parking provision is made in accordance with Policy SWDP21 together with the Worcestershire Streetscapes Design Guide, 2022.

- 16) No dwelling hereby permitted shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access in accordance with Policy SWDP1 and SWDP4 of the South Worcestershire Development Plan, 2016.

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements i to v below have been complied with:

- i. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected 12 contamination and approved by the Local Planning Authority prior to any further development taking place;
- ii. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation;
- iii. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- iv. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SWDP31 of the South Worcestershire Development Plan, 2016.

- 18) Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority . The strategy shall include the following:

- a) Identification of the areas/features on site that are particularly sensitive for bats 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
- b) Show how and where external lighting will be installed (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 bats using their territory or having access to their breeding sites and resting places.

All external 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.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and

minimise impacts on with protected species in accordance with Policy SWDP22 of the South Worcestershire Development Plan, 2016.

End of conditions