



Appeal Decision

Hearing held on 14 October 2025

Site visit made on 14 October 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/P1045/W/25/3369008

Land off Throstle Nest Way, Brailsford

- 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 Gladman Developments Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00546/OUT.
 - The development proposed is outline planning application for the erection of up to 70 dwellings with affordable housing, public open space, landscaping, and sustainable drainage system (SuDS) with vehicular access point with all matters to be reserved except access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 70 dwellings with affordable housing, public open space, landscaping, and sustainable drainage system (SuDS) with vehicular access point with all matters reserved except access at Land off Throstle Nest Way, Brailsford, DE6 3DB in accordance with the terms of the application, Ref 24/00546/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Shortly before the hearing I was presented with evidence from the appellant which amounted to a summary of data extracted from the previously supplied evidence of Matt Travis. None of the information within this document amounted to new evidence. However, given that it simply duplicated evidence previously supplied, and having regard to the lateness of its submission, I have not taken account of this specific document in reaching my decision.
3. At the hearing I was presented with evidence from an interested party in relation to sewage discharge records in the Brailsford area during September and October. Although late evidence, this information is material to my decision and was not available earlier in the appeal process. The main parties were afforded opportunity to comment upon it at the hearing. I have, therefore, taken it into account in reaching my decision.
4. After the hearing closed, the Council provided additional comments from the Lead Local Flood Authority ('LLFA'), setting out an objection to the scheme following culvert exploration works which took place shortly before the hearing, but the results of which had not been formally published at the time at which the hearing took place. The LLFA had not taken part in the hearing.

5. These comments, although received extremely late in the process, are nevertheless material to my decision. I afforded the parties opportunity to comment upon this evidence, and to request that I re-open the hearing, should they had considered it necessary for me to do so. No party requested that I did, and having had regard to the written representations subsequently received, I am satisfied that it would not be necessary for me to re-open the hearing in this instance.
6. Moreover, on considering the representations made by the appellant and interested parties, the LLFA has subsequently further advised that it is now “satisfied” in relation to the proposal. As I have taken account of all of the written representations received in reaching my decision, no party has been prejudiced by my approach in relation to this evidence.
7. The application was made in outline form with all matters except access reserved for future consideration. I have therefore had regard to the provided plans, although where reference is made to reserved matters, I have considered those specific elements to be illustrative only.
8. Although the Council did not identify harm to designated heritage assets as a reason for refusing planning permission, I nevertheless have statutory duties in relation to the effect of the proposal upon listed buildings and conservation areas. I have therefore considered this as an additional main issue.
9. The evidence includes a planning obligation in the form of a unilateral undertaking (“UU”). I will return to this below.

Main Issues

10. The main issues are:
 - whether or not the proposal is acceptable in respect of flood risk having regard to national and local policies and guidance, and;
 - the effect of the proposal upon the setting of designated heritage assets.

Reasons

Flood risk

11. Policy S1 of the Derbyshire Dales Local Plan 2013 (‘DDL’P’) addresses sustainable development principles. One of the policy’s criteria relates to following a sequential approach to flood risk that seeks to direct development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also gives priority to the use of sustainable drainage systems to limit surface water runoff, provide local amenity value, and improve and protect water quality and groundwater resources. DDL’P Policy PD7 seeks to promote the use of sustainable design and construction techniques, including flood resistance and resilience measures.
12. DDL’P Policy PD8 supports development proposals that avoid areas of current or future flood risk and which do not increase risk of flooding elsewhere. The policy states that development will not cause or worsen flooding on site or elsewhere, and will reduce flood risk elsewhere where possible. New developments shall incorporate appropriate sustainable drainage systems. For developments in areas

with known surface water flooding issues, appropriate mitigation and construction methods will be required.

13. National Planning Policy Framework ('Framework') paragraph 161 states that the planning system will take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. Framework paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
14. When determining planning applications, Framework paragraph 181 confirms that flood risk should not be increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment, and the sequential and exception tests, as applicable, it can be demonstrated that the most vulnerable development on site is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
15. Framework paragraph 182 states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. Sustainable drainage systems provided as part of proposals for major development should take account of advice from the LLFA, have appropriate proposed minimum operational standards; and have maintenance arrangements in place to ensure an acceptable standard of operation for the development's lifetime.
16. The appeal site is currently an open agricultural field which falls towards the south, west and east. The main parties agree that it is located within Flood Zone 1 and is not, therefore, subject to the sequential or exception tests set out in the Framework. To the south-west, beyond residential properties, runs the A52. To the west, are further residential properties located on Throstle Nest Way and Alley Walk.
17. At present, a drainage route ('the Throstle Nest route') in the form of a culvert runs to the west of the appeal site, through Throstle Nest Plantation and gardens of properties on Throstle Nest Way, before following Alley Walk to join a further culvert under, as well as close to, the A52.
18. There was general agreement at the hearing that the drainage infrastructure in the area is complex, and with differing ownerships and responsibilities. Understanding of the condition of the existing infrastructure is variable. It is a matter of fact that at present the A52 and nearby properties experience flooding events from time to time. The photographic evidence before me indicates that the scale of such events is likely to be disruptive. It is apparent that the drainage infrastructure in the area of the appeal site is not currently performing as should be normally expected.
19. Surface water from the appeal site is currently mainly shed towards the west, and to the east. The Flood Risk Assessment ('FRA') and accompanying geoenvironmental data indicate that the site is unlikely to offer significant levels of absorption, and there is no substantive evidence before me to indicate otherwise. It therefore follows that surface water run-off from the appeal site currently discharges into the A52 infrastructure, whether it reaches this point via the culvert to the Throstle Nest route, via the field access to the south, via Alley Walk, or by

- another route. It therefore contributes to the flooding events that are known to occur.
20. The proposal, although in outline form with details such as layout reserved for future consideration, includes an indicative drainage scheme. This scheme would provide for the capture of surface water within the development and its direction towards an attenuation pond located within the appeal site. Thereafter, run-off would be directed to the existing A52 culvert at a controlled rate by means of a hydrobrake. Some interested parties have raised concerns in relation to the methodology used within the FRA, particularly the use of the “HR Wallingford” methodology, however it was agreed between the expert witnesses of the main parties at the hearing that the FRA was sound in its use of this methodology at the time of its authoring. I afford significant weight to the opinions of the expert witnesses in this regard and also, therefore, the FRA.
21. The proposal would not result in additional surface water run-off. Rather, it would change the management of existing flows. There is no substantive evidence before me to demonstrate that it would increase the amount of water entering either the A52 culvert, the Throstle Nest route or Alley Walk, in comparison to present levels. By capturing some run-off from higher land within the development, it may be the case that flows via the Throstle Nest route would be reduced. The fact that the FRA may not consider the drainage of the appeal site as a whole, rather than the proposed developable area alone does not undermine this finding as those areas of the appeal site not actively managed would simply continue to drain as they currently do; this would not represent additional water or flows.
22. The condition and capacity of drainage infrastructure, and flooding events that occur in the vicinity of the A52 and elsewhere in Brailsford are clearly of great concern to interested parties. Flooding events, as well as being potentially dangerous, can also be highly disruptive and with both economic and wellbeing costs. I am very aware of the strength of feeling held by local residents in this respect.
23. However, while the Framework and Planning Practice Guidance (‘PPG’) are clear in setting out that developments should not increase flood risk elsewhere, it is not a requirement that they should seek to resolve existing problems. It is likely that flooding events will continue to occur in Brailsford even if the appeal proposal were not to proceed, unless unrelated works to the existing infrastructure are undertaken.
24. Furthermore, I acknowledge that it is also likely that flooding events would continue to occur following the construction of development, however by retaining water within the site and releasing it at a controlled rate, it would not exacerbate such events in comparison to the current situation. Moreover, as surface water from the site would be discharging into the offsite infrastructure at a controlled, and potentially reduced rate, it would not have a harmful effect on the performance of drainage infrastructure at points upstream of its connection point. At worst, it would operate as it does at present, even if this means that existing infrastructure has insufficient capacity.
25. I heard evidence from interested parties in relation to understanding the cumulative effects of other new development in the area, and the fact that they are also likely to either be contributing to surface water flows in the A52 infrastructure or will do so

in the future. Although I do not have full details of the drainage schemes associated with such developments, I have no reason to doubt the evidence that I have heard.

26. However, in receiving permission, these developments would, individually, have been subject to assessment with regard to drainage. Bearing in mind the requirement that new developments should not increase flood risk elsewhere, it should not be the case that these approved schemes should be increasing flows within infrastructure where it has been established that there is no additional capacity. It therefore follows that no cumulative effect would exist. This is particularly so given my reasoning above, where I have set out that the amount of water reaching the A52 drainage infrastructure would not increase as a result of the proposal.
27. The indicative SUDS system set out within the FRA indicates that a retention basin would be located at a higher level than houses on lower ground to the south and east. Although this could be subject to change following the development of a detailed drainage scheme, the possibility nevertheless remains that it would be located in such a position.
28. I heard that the basin would be unlikely to be holding large amounts of water on a permanent or regular basis. Its volume has been designed to take account of severe events and to take account of climate change. Nevertheless, I also heard the concerns of interested parties and Council in relation to the consequences of the basin failing or its capacity being exceeded.
29. However, there is no substantive evidence before me to indicate that land stability at the appeal site is such that it would be inherently unsuitable for the location of a safe and robust retention basin, or that exceedance would be unusually likely to occur. As the proposal is in outline form, there would be scope to refine both the design and location of the required basin to accommodate specific ground conditions and exceedance routes. Moreover, appropriate management of grilles could also be developed at a later stage.
30. I am satisfied that a suitably worded planning condition could secure this additional design work, and although I have had regard to the appeal decision¹ put before me, in this regard, a fair reading of the entirety of that decision indicates that the ground and hydrology conditions in that case were complex and specific, including the effects of known springs. It has not been shown that the circumstances of the proposal before me are directly comparable, and in reaching this conclusion, I would not be acting inconsistently.
31. Overall, I conclude that the proposal would be acceptable having regard to local and national policy in relation to flood risk. It would accord with DDLP Policies PD7, PD8 and S1, as well as the Framework, as set out above.

Heritage

32. Policy H1 of the Brailsford Neighbourhood Plan ('BNP') states that schemes should demonstrate an understanding of the village environment, rural location and history, as well as taking account of the transition between the built area and open landscape. DDLP Policies S1 and PD2 seek to protect heritage assets, with a need for it to be shown that the significance of such assets has been taken into account.

¹ APP/P1045/W/24/3353350

33. The appeal site comprises a large field situated outside of Brailsford Conservation Area ('the CA'), which is focused to the southwest, beyond houses on Alley Walk and Throstle Nest Way.
34. Insofar as is relevant to this appeal, the significance of the CA is derived from its evidential form of the evolution of a rural village over time. While the appeal site, as an agricultural field, provides some context to the wider village and its origins, it does not have a close relationship with the CA, and although elements of the CA are visible in views from the higher points of the appeal site, it does not contribute significantly to the setting of the CA. On this basis, I consider that it would have only a neutral effect on the significance of this heritage asset.
35. Although Brailsford contains a number of listed buildings ('LB'), four are located to the south of the site, close to the proposed pedestrian access. They are all Grade II listed and comprise "Town's Well", "The Bakery", "School House" and "School".
36. Town's Well is a domelike structure and an historic water source. Although likely originally a public resource, it currently lies within a private residential garden. Its significance is derived from its form as an example of a well-house of the period, and evidentially in terms of understanding the evolution of the settlement through the introduction of piped water supplies.
37. The setting of Town's Well is already compromised by its location within a private residential garden. It is not easily discernible from the road, from where it is likely to have once been accessed. Moreover, there does not appear to be any historic or visual connections between Town's Well and the proposal. The proposed pedestrian access would be located on land beyond the garden hedge, with limited intervisibility. Overall, I find that the proposal would have a neutral effect on the significance of the setting of this LB.
38. The Bakery is a house, identified as dating from the 17th Century. It addresses the main road directly and has evidential significance as an historic building within the settlement. School House is located behind The Bakery, on slightly higher ground. It is somewhat later in date and is noted as being listed only for its group value. The School is a larger building, set above the main road and has a distinctive design incorporating a central gable with clock face and a bell turret, along with white painted brick. All three buildings speak to the history of the settlement and together form a small historic grouping, appreciated particularly in the view towards The School from the main road, with The Bakery in the foreground.
39. Given the location of these buildings on the southern side of the main road, there is limited visual interaction between them and the appeal site, with the proposed development predominantly located some distance to the north. The pedestrian access associated with the proposal would result in some limited urbanisation, but this would not harm the significance of the setting of these LBs, which is predominantly found in their relationship with each other and the main road, rather than development or land to the north. The proposal would preserve the significance of these LBs and their settings.
40. I conclude that the effect of the proposal would have a neutral effect on the setting of the LBs and CA, and that no harm to significance would occur. The proposal would therefore accord with the requirements of BNP Policy H1 and DDLP Policies S1 and PD2, which I have set out above.

Other Matters

41. I have given careful consideration to the representations presented to me by interested parties, including issues not referred to within the Council's reason for refusal.
42. I heard that Brailsford has absorbed a number of new residential developments in recent years, with additional permissions granted for further schemes. The proposal would add to this. Nevertheless, Brailsford features highly on the Council's settlement hierarchy and has a range of services to support the local population. I have not been made aware of any ceiling to the level of new development within planning policy, and the BNP does not allocate sites within the village, nor specifically prevent further development beyond the stated settlement boundary. Overall, there is no substantive evidence before me which would indicate that the appeal site is not suitable for residential development as a matter of principle. I will return to the matter of the effects of the proposal upon local infrastructure elsewhere in my decision.
43. Concerns have been raised that the access to the proposed development would be of insufficient width, and that there are already traffic congestion problems within the village, particularly at the junction of Luke Lane and the A52.
44. The evidence before me includes a Transport Assessment ('TA') prepared by appropriately qualified individuals. The trip generation assessment within this document follows established methodology using TRICS data and junction modelling. It takes into account cumulative effects from other committed developments in the area.
45. It concludes that the proposal would be unlikely to have a significant impact upon the operation of the wider highway network, and that Throstle Nest Way is of sufficient width to serve the development. My attention has not been drawn to any specific weaknesses within the provided TA, and I therefore afford it significant weight. Furthermore, the local highway authority has raised no objection to the proposal in these respects. I therefore find the proposal to be acceptable in this respect.
46. In terms of foul drainage, the proposal would utilise an existing combined sewer. Interested parties have identified, and it is not disputed, that the village has suffered from overflowing foul drains at various times. Concerns are raised that these problems would be exacerbated by the proposal putting greater pressure on the sewers within the local area. However, as statutory undertaker Severn Trent Water ('STW') has a duty to accommodate demand for the disposal of foul water.
47. Although the development would increase the amount of foul water entering the combined sewer, STW has advised that the system would have sufficient capacity to accept these flows. Even if it was the case that insufficient capacity was to exist, the responsibility, as set out in the Water Industry Act 1991, lies with STW to increase capacity where necessary. With these factors in mind, it has not been shown that the proposal would result in harm in this respect.
48. Moreover, I am aware that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. There is no compelling evidence

before me that would lead me to come to a different conclusion to the Council on these matters.

Planning Obligation

49. I have considered planning obligation in accordance with the guidance in the Framework, PPG and in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations), as amended (Regulation 122). The planning obligations must be relevant, necessary and proportionate in scale and kind to the development.
50. The UU contains a number of planning obligations. These include contributions towards healthcare provision, allotments, affordable housing, travel plan monitoring, bus taster tickets, bus shelters, library provision, primary education provision and a travel plan bond. It also provides for the provision of affordable housing within the development, the management and transfer of open space, and the payment of legal and monitoring costs.
51. In terms of affordable housing, the obligation would deliver 12% of the scheme as on-site affordable units, to be managed in accordance with an affordable housing statement to be agreed with the Council. A further 18% affordable housing would be delivered off-site by means of an affordable housing contribution. Together, these measures would ensure that an equivalent of 30% affordable housing provision would be delivered in accordance with the policy requirement set out in DDLP Policy HC4.
52. Interested parties have raised concerns regarding the impact of the proposal on local services including healthcare provision and schools. The financial contributions secured in these respects would be wide ranging including funding for improving healthcare capacity, library stock provision, allotments, and the provision of additional educational facilities at Brailsford Primary School. This would also be the case in relation to the financial contributions towards sustainable travel improvements, including the provision of a travel plan bond. I am satisfied that the obligations would be specific and related to provision for expanding capacity in to order to meet increased demand arising from the proposal.
53. Obligations in relation to the management and transfer of open space within the development would be necessary in order to secure an appropriate form of development and to ensure that communal spaces would be adequately maintained in perpetuity.
54. The above obligations are not in dispute by the parties. Having regard to the evidence presented to me, including the Derbyshire Dales Developer Contributions Supplementary Planning Document and the Derbyshire County Council Developer Contributions Protocol, I am satisfied that the obligations are necessary and they accord with the tests that are set out in Framework paragraph 58 and the CIL Regulations, where they apply to each of the obligations. They also provide for the proposal to be compliant with the development plan in these respects. As a result, I have taken them into account in my decision.

Conditions

55. The suggested conditions contained within the Statement of Common Ground and discussed at the Hearing have been considered and the wording varied where

necessary, to ensure precision and compliance with the PPG and Framework paragraph 56.

56. I have attached conditions relating to the standard time limits [1 and 2] and to list the plans [3] in the interests of certainty. Conditions [4], [5], [6] and [7] are required to ensure that a detailed scheme of surface water management is developed. These conditions are pre-commencement to ensure that surface water drainage details form a fundamental part of any design and are able to be implemented during groundworks.
57. Conditions [8] and [9] relate to details of landscape and provide clarity for Reserved Matters submissions in relation to layout and landscaping. They are pre-commencement to ensure that detailed design takes account of these matters. Conditions [10] and [11] relate to the management of construction and are necessary in the interests of the living conditions of occupiers of nearby properties and conserving the environment. They are pre-commencement to ensure that construction is adequately managed from the outset of the development.
58. Condition [12] relates to archaeological works and is necessary to prevent harm to any known or unknown heritage assets. It is required to be pre-commencement to ensure that no unknown remains are damaged during ground clearance works.
59. I have attached a condition [13] in relation to badger setts to prevent harm to protected habitats or species. It is a pre-commencement condition to ensure that any constraints in this regard are fully understood before any intrusive groundworks take place.
60. A condition [14] relating to the provision of biodiversity net gain and ongoing management is required to secure the stated benefits and in the interests of improving biodiversity.
61. Improvement to highways infrastructure is secured by condition [15] and is necessary to deliver a development with suitable access to modes of sustainable travel. The value of the works secured by the condition was questioned by an interested party at the hearing, however I was presented with no substantive evidence to demonstrate that the relevant works would be unsafe or fundamentally impractical. I have therefore attached the condition.
62. Given the support for broadband infrastructure set out in the DDLP, I have attached a condition [16] to secure this. Condition [17] seeks to ensure that necessary noise attenuation measures are implemented, in the interests of the living conditions of future occupiers. Condition [18] relates to details of an updated travel plan and is necessary in the interests of promoting sustainable travel.
63. Conditions [19] and [20] relate to lighting measures and species enhancements and are necessary in the interests of preventing harm to protected species and promoting biodiversity improvements.
64. Condition [21] ensures that the development would only be carried out in accordance with the submitted Flood Risk Assessment and is required in the interests of clarity and to ensure that any detailed surface water drainage scheme is adequately informed. Conditions [22] and [23] relate to times and periods for construction work and are necessary in the interests of the living conditions of

occupiers of nearby properties, and in the interests of preventing harm to protected species.

65. There are a number of conditions which I have not attached, and these primarily are where suggested conditions were duplicating requirements or would fall within the scope of subsequent reserved matters submissions, such as layout and landscaping, and would therefore fail the relevant test of necessity.
66. I have also not attached the Council's suggested condition in relation to the modelling of the downstream drainage system in order to establish whether it could take flows from the development without flooding. This condition relates to a fundamental concern of the Council and interested parties. However, in discussing the main issues, and as set out above, I heard that there was broad agreement that the current downstream drainage system is not performing adequately. Therefore, the requirements of the condition would achieve little other than to likely confirm what is already known; that at times of heavy rainfall that there is insufficient capacity within the system.
67. As I have set out above, the proposal would not increase flows into the downstream drainage system. Therefore, even if such a condition were to ultimately confirm that there is insufficient capacity, this is a current issue, rather than one which would be created or exacerbated by the proposal. It is reasonable to suggest that by controlling flow rates and retaining water within the site, the proposal could represent an improvement.
68. Moreover, the proposed wording of the condition is vague; in requiring the appellant to only confirm that the system can take flows from the development, it gives no indication as to what would be required should this, as is likely, not be the case. The inference is that mitigation works would be required. However, I heard that the drainage system is not within the control of the appellant and it would be unreasonable to require them to facilitate improvements to infrastructure over which they have no control. Overall, the suggested condition is imprecise, unnecessary and unreasonable.

Planning Balance and Conclusion

69. For the reasons given above, the proposal would be in accordance with the development plan as a whole. There are no material considerations, including the Framework, that indicate that a decision should be taken other than in accordance with it. Therefore, I conclude that the appeal should succeed.

C Harding

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christian Hawley

Barrister, No 5 Chambers

Helen Ball

Planning Director, Gladman
Developments Ltd

Matt Travis

Managing Director, Enzygo

Gail Stoten

Executive Director (Heritage), Pegasus
Group

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter

Barrister, Kings Chambers

Christopher Dale BA(Hons) MSc MRTPI

Development Manager, Derbyshire
Dales District Council

Chris Swain BEng (Hons) CEng MICE

Engineer, Amey Group

INTERESTED PARTIES:

Cllr Stuart Lees

Derbyshire Dales District Council

Pat Laughlin

Chair, Brailsford and Ednaston Parish
Council

Maureen Kendall

Throstle Nest Way Action Group

Graham Hesling

Karl Newby

Louise Doble

Chris Beale

Ian Mansfield

Dawn Mansfield

Michael Cannon

Paul Sharp

Sue Cowdery

Keith Doble

John Luther

Julie Coxon

*****SCHEDULE OF CONDITIONS*****

- 1) Details of the appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made not later than three years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) This development shall be carried out in accordance with the following plans and documents: Location Plan 07239-FPCR-XX-XX-DR-A-0009 Rev P04, Potential Site Access (Alternative Option Off Throstle Nest Way) 1379-F02 Rev C.
- 4) Prior to commencement of the development, a detailed design and associated management and maintenance plan of the surface water drainage for the development, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall only be carried out in accordance with the approved details and timetable.
- 5) Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase will be managed shall be submitted to and approved in writing by the local planning authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the local planning authority before the commencement of any works which would lead to increased surface water run-off from site during the construction phase, and thereafter be retained for the duration of the construction period.
- 6) Prior to the commencement of the development, a grille assessment in compliance with CIRIA V786 shall be submitted to and approved in writing by the local planning authority to determine if a debris or security screen is required on the pond headwalls of any proposed drainage attenuation basins. If the assessment finds that such screens are required, these shall be fitted and be operational prior to the attenuation basin being brought into use.
- 7) Prior to the commencement of the development, existing ground conditions and ground water levels in the vicinity of any proposed attenuation basins shall be investigated to determine impact on nearby properties and exceedance flow paths shall be modelled in the event the pond discharge becomes blocked. The results of the investigations and modelling together with any necessary mitigation measures shall be submitted to and approved in writing by the local planning authority prior to any works other than site clearance taking place. Thereafter the development shall be carried out in accordance with the approved details.
- 8) With or before the submission of Reserved Matters, a Site Specific Arboricultural Method Statement (AMS) with regard to tree planting and tree protection measures in accordance with guidance in BS5837 shall be submitted to and approved in writing by the local planning authority. This should demonstrate avoidance of obstruction to overhead power lines or

cables. Any underground apparatus should be ducted or otherwise protected at the time of construction to enable trees to be planted without resulting in future conflicts. The development shall thereafter be carried out in accordance with the approved AMS.

- 9) With or before the submission of Reserved Matters, full details of the laying out of the Local Area of Play which shall include the equipment specification and hard and soft landscaping, and a timetable for implementation shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 10) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a Construction Management Plan (CMP) comprising of:
- a) parking of vehicles for site operatives and visitors;
 - b) any temporary access to the site; c) locations for loading/unloading and storage of plant, waste and construction materials, methods of preventing mud and dust being carried onto the highway arrangements for turning vehicles;
 - d) arrangements to receive all types of construction traffic required by the works;
 - e) a Joint Highway Condition survey;
 - f) methods of communicating the construction management plan to staff, visitors, neighbouring residents and neighbouring businesses;
 - g) details of how additional surface water run-off from the site will be avoided and managed during the construction period.

The approved plan shall be adhered to throughout the construction period.

- 11) No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) 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 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;
 - 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 on site to oversee works;
 - 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: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

12) No development shall take place until:

a) a Written Scheme of Investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. 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) No development shall take place other than in accordance with the archaeological WSI approved under condition (a)."

c) 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 archaeological WSI approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 13) Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken. The results and any appropriate mitigation/licensing requirements, and a timetable for the implementation of any mitigation measures shall be submitted to and approved in writing by the local planning authority before the development commences. The approved mitigation measures shall thereafter be implemented in accordance with the agreed timetable.
- 14) Prior to any works above foundation level, a biodiversity gain plan in the form of a Habitat Management and Monitoring Plan shall have been submitted to and approved in writing by the local planning authority. This shall include details of management and monitoring over a 30-year period, for all significant onsite gains and should be prepared in conjunction with Landscaping details, Species Enhancement Strategy and Biodiversity Enhancement Strategy submitted in support of this application. The development shall thereafter be carried out in accordance with the approved details.
- 15) No development above foundation level shall take place until drawings of the highway improvements/offsite works comprising enhancements to the existing signal-controlled crossing on the A52, and the site access from Throstle Nest Way have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until those works have been constructed in accordance with the approved details.

- 16) Prior to the first occupation of any dwelling, details including a timetable for implementation, of the provision of broadband infrastructure services including the provision of ducting capable of accommodating a full fibre network from a suitable entry point into the site and onwards to each dwelling. Ducting provided will be required to satisfy the Openreach Technical Standards. The development shall thereafter only be carried out in accordance with the approved details.
- 17) Prior to the commencement of any works above foundation level, a Noise Attenuation Plan in association with the proposed mitigation measures in the submitted Noise Screening Report, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme.
- 18) No dwelling hereby approved shall be occupied until an updated travel plan containing the following details has been submitted to, and approved in writing by the local planning authority:
 - a) the name and contact details of an appointed Travel Plan coordinator, who will be responsible for the provision of personalised travel planning for all new households upon occupation.
 - b) a residents Travel Pack
 - c) an informal site-based car share scheme
 - d) public transport, walking and cycling promotion
 - e) encouragement for the establishment of walking, cycling and residents transport groups

This plan will thereafter be implemented and updated.

- 19) Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full and retained thereafter.
- 20) Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full prior to the occupation of any dwelling and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - a) universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - b) integrated bat boxes in 30% of dwellings.
 - c) insect bricks in 30% dwellings and / or towers in public open space.

d) fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

The enhancements should be implemented in accordance with the approved details and all features retained in that manner thereafter.

- 21) The development permitted by this planning permission shall only be carried out in accordance with the mitigation measures approved in chapters 6 and 7 approved Flood Risk Assessment (FRA) and associated additional information. The mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained in accordance with the timing, phasing and maintenance arrangements embodied within the drainage scheme.
- 22) No site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries received or dispatched from the site except between the hours of 0800h – 1800h Monday to Friday, 0800h – 1300h Saturday and at no time on Sundays, Bank or Public Holidays.
- 23) No building works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

*****END OF SCHEDULE OF CONDITIONS*****