



Appeal Decision

Site visit made on 6 January 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal A Ref: APP/D3125/W/25/3371724

Land West of Colt House, Aston Road, Bampton OX18 2BW

- 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 Blue Cedar Homes against the decision of West Oxfordshire District Council.
- The application Ref is 25/01396/S73.
- The application sought planning permission for the erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping, and associated infrastructure without complying with a condition attached to planning permission Ref 22/03370/FUL, dated 27 April 2023.
- The condition in dispute is No 3 which states that: The dwellings hereby permitted shall only be occupied by persons: (a) aged 55 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.
- The reason given for the condition is: The application has been approved on the particular circumstances of the case. This condition is necessary to ensure that the development is occupied by older persons only, to ensure compliance with the description of development and in accordance with the Local Plan, PPG and Government guidance contained within the National Planning Policy Framework.

Appeal B Ref: APP/D3125/W/25/3371755

Land West of Colt House, Aston Road, Bampton OX18 2BW

- 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 Blue Cedar Homes against the decision of West Oxfordshire District Council.
 - The application Ref is 25/01397/S73.
 - The application sought planning permission for the erection of three single storey age restricted dwellings (55 years) with access, landscaping, and associated infrastructure without complying with a condition attached to planning permission Ref 24/01471/FUL, dated 12 September 2024.
 - The condition in dispute is No 3 which states that: The dwellings hereby permitted shall only be occupied by persons: (a) aged 55 or over, and/or (b) living as part of a single household with such a person or persons; and/or (c) who were living as part of a single household with such a person or persons at the property who have since died.
The reason given for the condition is: The application has been approved on the particular circumstances of the case. This condition is necessary to ensure that the development is occupied by older persons only, to ensure compliance with the description of development and in accordance with the Local Plan, PPG and Government guidance contained within the National Planning Policy Framework.
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of six single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure at Land West of Colt House, Aston Road, Bampton OX18 2BW in accordance with the application Ref 25/01396/S73, without compliance with condition numbers 3 and 15 previously imposed on planning permission Ref 22/03370/FUL dated 27 April 2023 and subject to the conditions set out in the attached schedule A.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of three single storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure at Land West of Colt House, Aston Road, Bampton OX18 2BW in accordance with the application Ref 25/01397/S73, without compliance with condition number 3 previously imposed on planning permission Ref 24/01471/FUL dated 12 September 2024 and subject to the conditions set out in the attached schedule B.

Applications for costs

3. Applications for an award of costs related to both Appeal A and Appeal B were made by Blue Cedar Homes against West Oxfordshire District Council. These applications will be the subject of a separate decision.

Preliminary Matters

4. Section 73 (1) of the Town and Country Planning Act 1990 (as amended) applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 73(2) identifies that consideration of the application only relates to the question of the condition subject to which planning permission should be granted.
5. Appeal A concerns the development of 6 dwellings whilst Appeal B relates to the development of 3 dwellings. I have considered each proposal on its individual merits, but as they raise similar issues, I have dealt with the cases in a single decision letter. I note that the Council has produced one statement of case covering both appeals.

Background and Main Issue

6. The appeal sites are both located to the west of Colt House with Appeal A relating to the northern half of the site and Appeal B relating to the southern half of the site, with no clear boundary between them. Appeal site B would be accessed through appeal site A. Appeal site A fronts Aston Road. Both appeal sites are located on the edge of Bampton. Well established hedgerows to the rear and side field boundaries restrict views into the site. To the north of the site is a modern housing development, to the south is agricultural land, to the west is Calais Farm. To the east are Colt House, Cooper's Lodge (which comprises a builder's yard with an associated dwelling) and a further 5 dwellings fronting Aston Road. The various ages, design and layouts of dwellings near to the appeal site, create variety in the

appearance of built form in the area. Bampton Conservation Area (BCA) is approximately 120m to the west of the site.

7. During consideration of the previous planning applications, the scheme for specialist housing for older people attracted significant weight for appeal site A and moderate weight for appeal site B when considering the Council's five-year housing land supply position. Accordingly, the provision of dwellings specifically for older people also attracted significant weight. The public and economic benefits of the provision of residential dwellings, including that they were for older people, significantly and demonstrably outweighed conflict found at the time with the development plan.
8. Planning permission was then also sought for the development of 5, single storey dwellings for the over 55's on appeal site A. This was refused by the Council but granted on appeal (reference APP/D3125/W/24/3339317) (the approved appeal).
9. The appellant now seeks the removal of the occupancy condition which limits the development within both appeal sites 'A' and 'B' to specialist housing for older people. In seeking to remove the occupancy condition, the appellant asserts that the principle of residential development has been established and the restriction is not necessary. Furthermore, the appellant advanced in their applications that given current market conditions, flexibility is required to ensure that the dwellings meet market needs and secure funding which would be hampered by the condition/s.
10. Consequently, the main issue is whether the condition is necessary and reasonable, with particular regard to the need for age-restricted dwellings, or to serve any other planning purpose.

Reasons

The need for age restricted dwellings

11. Core Objective CO6 of the West Oxfordshire District Local Plan 2031(LP) outlines the requirement for a mix of residential accommodation which provides a variety of sizes, types, and affordability as well as homes to meet the needs of, amongst other groups, older people.
12. Policy H4 of the LP identifies support for proposals for specialist housing for older people including but not restricted to, extra-care housing. The policy further indicates that opportunities for extra care will be sought in the main and rural service centres and other locations with good access to services and facilities. The supporting text to Policy H4 outlines the population statistics relating to older people in the district and the need for specialist housing to address the ageing population. Paragraph 5.81 of the LP identifies that based on future projections, the number of older people within the district will continue to increase by a projected 54% between 2011-2031.
13. Whilst Policy H4 of the LP identifies a need for specialist housing for older people across the district, the policy does not specify a distribution requirement within each main and rural service centre. The LP only identifies a need for the provision of specialist housing for older people across the district within the plan period. There is no identified requirement for it to be in Bampton rather than the other main and rural service centres identified within the LP.

14. Consequently, I am not aware of a specific need for the type of specialist housing for older people that was envisaged by the Council when granting planning permission for the proposals. The Council has quoted the need arguments put forward by the appellant within the original supporting planning documents for Appeal Sites A and B. However, these documents are not before me, and no further statistical evidence has been provided by the parties regarding the need for specialist housing for older people. I am however aware that the appellant has already provided 9 dwellings for older people within Bampton on land at Station Road and recognise that a latent need may remain.
15. It is clear that the appellant had a clear intention to provide the specialist housing for older people at the time. However, the appellant asserts, as part of the planning applications to delete the occupancy condition attached to appeal sites A and B, that the condition is restricting or preventing the funding that would enable the housing to be developed. Despite this assertion, the appellant has not advanced this further through either Appeal A or Appeal B and no evidence to support this is before me. Consequently, I attach limited weight to this statement.
16. The previous appeal Inspector addressed the specialist housing for older people as a material consideration. The Inspector concluded that the specialist housing would meet an identified housing need, which would accord with Policy H4 of the LP and attributed moderate weight to the benefit. An age restricted occupancy condition was attached by the Inspector. The reasoning for this was on the basis that the scheme was progressed as dwellings for older people which weighed in favour of the appeal. To ensure that the benefit would occur, the Inspector concluded that a condition was necessary (paragraph 30 of the approved appeal decision letter)
17. Whilst the housing for older people attracted moderate weight in the planning balance, this was one of several benefits that appropriated weight within the planning balance. The Officer Reports relating to the deletion of the condition on the applications for both appeal site A and B identify in paragraph 5.10 that the condition *“was imposed in order to secure the benefits of the scheme as originally applied for.”* Nonetheless it also remarks that *“The principle of development in the assessment of the underlying application was not contingent on the dwellings being age-restricted as conflict with the spatial strategy (of the LP) was found in any case.”*
18. I do not doubt a need for specialist housing for older people is required across the district in accordance with Policy H4. However, no evidence is before me indicating that this specialist housing needs to be located on appeal sites A and B or even somewhere else within Bampton. I also note that the village already accommodates this type of specialist housing. Therefore, I can only ascribe moderate weight to the benefit of the provision of specialist older people housing on site.

Housing land supply

19. When the application for 6 dwellings was granted on appeal site A in April 2023, the Council’s housing land supply stood at 4.1 years. In September 2024, when the application for 3 dwellings on appeal site B was approved, the housing land supply stood at 4.34 years. The evidence before me does not provide a clear up to date 5-year housing land supply figure. The Council, in its evidence, confirms that

the housing land supply currently falls below the required 5-year supply. Following a request to confirm its current supply, the Council, whilst not providing a figure, confirmed in an email that its housing land supply shortfall is “*likely to increase, perhaps significantly.*”

20. I acknowledge that the proposal for both appeal A and appeal B would not see an increase in supply if they were to be allowed because both sites already have secured planning permission for residential development. However, from the Council's evidence, the shortfall in its five-year housing land supply is likely to have significantly deepened. This deepening shortfall weighs in significant favour of the proposal as the need for open market dwellings has increased.

Suitability of location

21. Policies OS1 and OS2 of the LP set out the overall strategy for the location of development within the district. It adopts a hierarchical approach focusing on the main service centres followed by rural service centres which include Bampton. The LP identifies Bampton as a settlement that is suitable for a modest level of development.
22. Whilst close to the boundary of the settlement, the appeal site is not within and does not adjoin the boundary and, therefore, for development plan purposes, the appeal site is in a countryside location.
23. Policy H1 of the LP identifies the amount and distribution of housing required in the district. Where necessary to meet an identified housing need, Policy H2 of the LP indicates that housing on undeveloped land adjoining the built-up area may be permitted. For development to be supported under LP Policy H2, the need identified must not be able to be met in any other way. Where appropriate, new homes will be controlled by an occupancy condition linked to the operational need.
24. Nonetheless, as the site is located within the open countryside, development of appeal site A and B would conflict with the spatial strategy of the LP. This conflict was acknowledged when planning permission was granted for the development of both appeal site A and B. The development now proposed within appeals A and B would continue to conflict with the settlement strategy outlined within policies OS2, H1, and H2 of the Local Plan. However, in the absence of a five-year housing land supply, whilst the policies remain in broad consistency with the Framework, the conflict identified with these policies, attracts limited weight.
25. Bampton, as a Rural Service Centre within the LP, is a large village which has been expanded to its east boundary, opposite the appeal site to the northern side of Aston Road both before and after Mount Owen Road. Consequently, the appeal site, is not isolated or remote and to the immediate north, the character has altered to that of modern housing development.
26. The National Design Guide advises that local facilities should be within a 10-minute walk, or an 800m radius to be within a walkable distance. Bampton has a considerable number of services including a primary school, doctor's surgery, church, public houses, post office, take-away, Co-Op supermarket, beauty salon, coffee shop, village hall and a bus service to Oxford and the wider surrounding towns. The majority of these would be within 800m of the site.

27. Nevertheless, in view of the accessibility to goods and services that the proposed dwellings would benefit from, I find the proposed development within appeals A and B to be close to a village, albeit outside of the boundary, which would allow future occupiers access to a reasonable range of village services within walking or cycling distance, along with bus services to other settlements. This attracts considerable weight in favour of the development proposed within appeal A and appeal B.

Bampton Conservation Area

28. Bampton Conservation Area (BCA) is located approximately 124m to the west of appeal sites A and B. Therefore, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) is not applicable, but the relevant policies in the National Planning Policy Framework (December 2024) (the Framework) concerning designated heritage assets and their settings are.
29. Bampton is a long-established rural village with a history of farming with a trading community. The BCA, whilst encompassing most of the village, is primarily focused on its well-preserved historic core which contains many listed buildings. It also has a layout based on a convergence of routes at a marketplace with a network of lanes around this. The main significance of the BCA as a designated heritage asset derives from the built form of its historic core and its relationship between agriculture and settlement.
30. The Council found that the development of six dwellings would cause less than substantial harm to the setting of BCA. This harm would be at the lower end of the scale. The less than substantial harm identified was weighed in the planning balance where it was concluded that, on balance, the public benefits of the proposed development outweighed the harm to the BCA. However, the subsequent application for 5 dwellings was refused planning permission on several reasons including that the proposal would erode the rural setting of the BCA causing harm to its significance.
31. The 5 dwelling scheme was subsequently granted on appeal where the Inspector concluded that the development would not cause harm to the significance of the BCA. Consequently, following the appeal decision, the Council, in assessing the proposal for 3 dwellings on appeal site B, concluded that the development would not result in any material harm to the significance of the conservation area. I see no reason within the evidence to disagree with these assertions for either appeal scheme.
32. Neither appeal A and appeal B propose an alteration to the siting or design of the dwellings which have already been granted planning permission. Accordingly, it stands to reason that the proposals within appeals A and B would not result in any harm to the setting of the BCA. Consequently, this no longer forms a harm against which a balance needs to be applied.

Effective use of land

33. The Council has drawn my attention to Paragraph 11(d)(ii), Footnote 9 and subsequently paragraph 129 of the Framework regarding making effective use of land and achieving appropriate densities. Planning permission has been granted by the Council for 9 dwellings across appeal sites A and B at a density of

approximately 9 and 5 dwellings per hectare, respectively. During consideration of the original planning applications, the proposed density of the development was not discussed. However, as the dwellings granted planning permission are all single storey, the density of the development naturally falls below that generally seen in higher density traditional housing developments. However, this does not then necessarily lead to a conclusion that the development is of an inappropriate density and therefore would not make effective use of the land where development must also respect its context and the area's character.

34. Planning permission for the 6 and 3 dwelling schemes has been granted and the appeal proposals before me (A and B) would not alter the layout or density of the developments. As this issue did not form part of the assessment for either scheme, the density of development was not considered to be of concern, and I see no reason to conclude differently on this matter.

Is the condition necessary and reasonable?

35. In connection with both appeals, I have found above that there is only a generalised need for specialist housing for older people within the district. I have also found that the Council has a housing land supply shortfall which is a worsening position from when it was previously considered. In terms of locational suitability, I have identified that whilst beyond the settlement boundary of Bampton, it remains well located for occupiers to gain access to goods and services. I have also found that the BCA's setting would not be harmed by the development proposed. I also found that the development would make efficient use of the land.
36. Based on the circumstances of the case which are before me, which include the Council's diminishing five-year housing land supply position and the locational benefits of the site, I find that the provision of unrestricted open market dwellings outweighs the requirement for the dwellings to be subject to an occupancy age restriction.
37. Accordingly, I find that the age restricted occupancy condition attached to both appeal A and appeal B is not necessary or reasonable and does not serve any other planning purpose. The proposed development within appeal A and appeal B would therefore comply with Policies OS2, H1, H2 and H4 of the LP, the requirements of which have been outlined above.

Other Matters

38. I note that Bampton Parish Council and several residents objected to the removal of Condition 3 as part of the planning application. They objected on the grounds of the loss of green space within the village, drainage and flooding, the site being the subject of previous appeals, the potential for the dwellings to increase in size and height through permitted development and that permission was only granted because of the imposition of condition 3. These factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. I have also considered these matters and find no adverse effect. I am satisfied that; no substantiated evidence has been submitted that would lead me to a different conclusion.

Conditions

39. By allowing this appeal a new planning permission is created. The Planning Practice Guidance indicates that, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

Appeal A

40. I have deleted the disputed condition 3 as indicated above and 21 conditions attached to the original permission remain relevant and have therefore been imposed. I have updated the time limit condition to reflect a date commensurate of 3 years from the date of the original permission along with the approved plans condition to include the plan numbers. I have also updated conditions relating to the construction environmental management plan [16], surface water drainage [3], archaeological evaluation [15], and land contamination [20] to reflect that the details have been agreed by the Council. Condition 15 of planning permission 22/03370/FUL required electric vehicle charging points, however as this requirement is addressed under the Building Regulations, it is not necessary to duplicate the requirement here and the condition has therefore been deleted. I am satisfied that the remaining conditions are necessary to enable the scheme to proceed and prevent adverse effects.

Appeal B

41. I have deleted the disputed condition 3 as indicated above and 17 conditions attached to the original permission remain relevant and have therefore been imposed. I have updated the time limit condition to reflect a date commensurate of 3 years from the date of the original permission along with the approved plans condition to include the plan numbers. I am satisfied that the remaining conditions are necessary to enable the scheme to proceed and prevent adverse effects.

Conclusion

42. For the reasons given above I conclude that both appeal A and appeal B should be allowed and grant new planning permissions without the disputed condition and restating those undisputed conditions from the previous permissions that are still relevant.

P Brennan

INSPECTOR

Appeal A - Schedule of Conditions

- 1) The development hereby permitted shall commence prior to the 27 April 2026.
- 2) The development shall be undertaken in accordance with the approved plans listed below:
 - 210804 L 003 Proposed Site plans
 - 210804 L 001 Location Plan
 - 210804 P1 001 D Plot 1 Floor Plans - Proposed
 - 210804 P1 002 A Plot 1 Elevations - Proposed
 - 210804 P2 001 D Plot 2 Floor Plans - Proposed
 - 210804 P2 002 A Plot 2 Elevations - Proposed
 - 210804 P3 001 B Plot 3 Floor Plans - Proposed
 - 210804 P3 002 A Plot 3 Elevations - Proposed
 - 210804 P4 001 B Plot 4 Floor Plans - Proposed
 - 210804 P4 002 B Plot 4 Elevations - Proposed
 - 210804 P5 001 B Plot 5 Floor Plans - Proposed
 - 210804 P5 002 B Plot 5 Elevations - Proposed
 - 210804 P6 001 B Plot 6 Floor Plans – Proposed
 - 210804 P6 002 A Plot 6 Elevations - Proposed
- 3) The development hereby approved shall be undertaken in accordance with the drainage details submitted to and approved in writing by the local planning authority under application reference 25/03050/CND prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter.
- 4) No dwelling shall be erected above ground level until, a schedule of materials (including samples) to be used in the elevations and roofs of the development are submitted to and approved in writing by the local planning authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.
- 5) The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
- 6) No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the local planning authority.
- 7) No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the local planning authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
- 8) No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed, and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the local planning authority.

- 9) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.
- 10) Prior to the first occupation of the development hereby approved, details of a new footway together with dropped kerbs along Aston Road adjacent to the proposed vehicular access shall be submitted to the local planning authority for approval. The footway shall be constructed in accordance with the agreed details prior to the first occupation of the development and shall be retained as such thereafter.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development (including windows/doors) permitted under Schedule 2, Part 1, Classes A, AA, B, C, D, E, and G shall be carried out other than that expressly authorised by this permission.
- 12) Prior to above ground works commencing, details of the air source heat pumps and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the local planning authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details for every dwelling prior to the first occupation of the dwellings hereby approved.
- 13) The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 Guidance for Sound Insulation and Noise Reduction for Buildings (or later versions).
- 14) No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.
- 15) The development hereby approved shall be undertaken in accordance with the agreed Written Scheme of Investigation and the staged programme of archaeological evaluation and mitigation submitted to and approved in writing by the local planning authority and approved under application reference 25/02884/CND. A full report for publication shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.
- 16) The Construction Environmental Management Plan - Biodiversity (CEMP-B) submitted to and approved in writing by the local planning authority under application reference 24/00334/CND shall be strictly adhered to and implemented throughout the construction period in accordance with the approved details.
- 17) Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the local planning authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for foraging bats.
- 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 the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

- 18) Prior to occupation of the dwellings hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the local planning authority, including biodiversity enhancements (such as native, species-rich hedgerows, native tree planting, wildflower grassland areas and bird and bat boxes) and a 5-year maintenance plan. It must show details of all planting areas, tree and plant species, numbers, and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, are damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost unless the local planning authority approves alternatives in writing.
- 19) Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.
- 20) The development hereby approved shall be undertaken in accordance with the land contamination details submitted to and approved in writing by the local planning authority under application reference 25/02889/CND. The Remediation Scheme, as agreed in writing by the local planning authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the works the developer shall submit to the local planning authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 21) No dwelling hereby approved shall be occupied until confirmation has been provided that foul water capacity exists off site to serve the development.

Appeal A - End of Schedule of Conditions.

Appeal B – Schedule of Conditions

- 1) The development hereby approved shall commence prior to the 12 September 2027.
- 2) The development shall be undertaken in accordance with the approved plans listed below:
 - 240102 L 003 E Proposed Site Plan
 - 240102 L 001 Location Plan
 - 240102 E1 001 A n/s/e/w Elevations - Proposed
 - 240102 E2 001 A n/s/e/w Elevations - Proposed
 - 240102 E3 001 B n/s/e/w Elevations - Proposed
 - 240102 P1 001 B Floor Plans - Proposed
 - 240102 P2 001 B Floor Plans - Proposed
 - 240102 P3 001 B Floor Plans - Proposed
 - 240102 L 010 Site plans
- 3) Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the Management Plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the local planning authority.
- 4) No dwelling shall be erected above ground level until, a schedule of materials to be used in the elevations and roofs of the development are submitted to and approved in writing by the local planning authority. The development shall be constructed in the approved materials and shall be retained as such thereafter.
- 5) The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
- 6) No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the local planning authority.
- 7) No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the local planning authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development (including windows/doors) permitted under Schedule 2, Part 1, Class AA shall be carried out other than that expressly authorised by this permission.
- 9) Prior to above ground works commencing, details of the air source heat pumps and solar panels (to include specifications and where in each plot they shall be installed) shall be submitted to the local planning authority for approval. The air source heat pumps and solar panels shall be installed in accordance with the approved details for every dwelling prior to the first occupation of the dwellings hereby approved.
- 10) No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.
- 11) Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority within two years of the completion of the archaeological fieldwork.
- 12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins. The Remediation Scheme, as agreed in writing by the local planning authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the works the developer shall submit to the local planning authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 13) The development shall be completed in strict accordance with the following documents and drawings, incorporating details of Biodiversity Net Gain,

biodiversity mitigation, and enhancements, as submitted with the planning application:

- i. Sections 7 and 8 and Appendix B (landscape layout plan) of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting.
- ii. Ecology Plan drawing no. 240102 L 010 dated April 2024 prepared by Marks Timms Architect.
- iii. BNG Baseline Plan dated 12/06/2024 produced by Malford Environmental Consulting.
- iv. BNG Proposed Plan dated 12/06/2024 produced by Malford Environmental Consulting; and
- v. Rendered Context Plan 240102 L 004 Rev A dated May 2024 prepared by Mark Timms Architect.

14) Notwithstanding the submitted details and prior to above ground works, a scheme for hard and soft landscaping of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate the Biodiversity Net Gain Proposed Habitats as described in Section 8 and Appendix B of the Ecological Appraisal Final Report dated 8 May 2024 prepared by Malford Environmental Consulting and shall include, but not be limited to:

- i. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Management Plan.
- ii. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate.
- iii. A landscaping implementation phasing plan, where appropriate.
- iv. Detailed planting and sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control.
- v. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials, and openings.
- iv. Development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use / first occupation, whichever is the earliest.

15) If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the local planning authority. Replacement trees, shrubs, hedges, plants, and grassed areas shall be of the same size and species as those lost, unless the local planning authority approves alternatives in writing.

16) Before occupation of the development hereby approved, a 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include, but not limited to the following:

- i. Description and evaluation of features/habitats to be managed.

- ii. Landscape and ecological trends and constraints on site that might influence management and potential remedial measures that could be implemented (adaptive management).
- iii. Aims and objectives of management (including those related to species).
- iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures.
- v. Detailed prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- vii. Details of the body or organisation responsible for implementation of the plan.
- viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- ix. Ongoing monitoring and remedial measures, including a detailed monitoring strategy for the 30-year period.
- x. Timeframe for reviewing the plan; and
- xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The plan shall also set out (where the results from 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 Net Gain objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 17) Biodiversity Monitoring Reports shall be submitted to and approved in writing by the local planning authority for each of the first 5 years following completion of the development hereby approved and thereafter every 5 years (quinquennially) up to the end of the 30-year period to provide full details of the implementation of the Biodiversity Net Gain proposals in line with (and as modified by) the Biodiversity Gain Plan, and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be submitted to and approved in writing by the local planning authority. A final 30-year Biodiversity Audit Report shall be submitted to the local planning authority for approval no later than 12 months following the end of the agreed 30-year period.

Appeal B - End of schedule of conditions