



Appeal Decision

Hearing held on 2/3 November 2020

Site visit made on 10 November 2020

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/R0660/W/20/3251104

Land off Crewe Road, Winterley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Footprint Land and Development Limited against the decision of Cheshire East Council.
 - The application Ref 19/3889N, dated 14 August 2019, was refused by notice dated 30 October 2019.
 - The development proposed is an outline application for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved).
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Procedural matters

1. A draft planning obligation was discussed at the Hearing, and a completed version (17 November 2020) was subsequently submitted. I have taken account of that obligation, and I will return to it below.
2. As agreed at the Hearing, two documents were submitted after the Hearing closed, dealing with the role of Best and Most Versatile Land¹. I have taken these into account.
3. By letter dated 28 January 2021 the Council drew my attention to two recent matters – the latest Housing Delivery Test and an appeal decision at The Heath Vicarage. These matters could obviously not have been discussed at the Hearing and I have had regard to them as material considerations. The appellant was given the opportunity to comment on these documents and I have taken both parties' submissions into account.

Decision

4. The appeal is allowed and planning permission is granted for the erection of up to 55 dwellings with associated works (access to be considered with all other matters reserved) on land off Crewe Road, Winterley in accordance with the terms of the application, Ref 19/3889N, dated 14 August 2019, subject to the conditions set out in the Schedule to this decision.

¹ Documents 3 and 4

Main issues

5. There are three main issues in this case:

- The effect on the settlement pattern of the area in the light of development plan policies
- The effect on the character and appearance of the area
- The consequences of the loss of Grade 2 agricultural land

Reasons

The site and the surrounding area

6. The appeal site is just over 2 hectares in extent, and is a generally flat area of land which was doubtless used for agricultural purposes in the past, but is currently unmanaged and overgrown. There are a number of trees around the site boundaries and one tree (protected by a Tree Preservation Order) within the site.
7. The land is classified as Grade 2 Best and Most Versatile Land (BMV). There are no landscape designations affecting the site.
8. The site is located to the north-east of the settlement of Winterley, which is a village to the north-east of Crewe and to the south of Sandbach.
9. The immediate surroundings of the site are of significance to all the main issues in this case:
 - To the north of the site are paddocks and gardens which relate to properties in Hassall Road.
 - To the east the site abuts a housing development which is under construction (the Duchy Homes development).
 - To the south is a recently constructed housing development (the Bellway Homes development). There is a further housing development under construction (the Seddon development) to the east of the Bellway Homes site.
 - To the west of the site are the rear gardens of established dwellings fronting onto Crewe Road.
10. Overall, the site is therefore abutted (or will soon be) by residential buildings on three sides.
11. These adjacent sites have comparatively extensive planning histories, summarised in the Statement of Common Ground (SOCG) at Section 6.

The appeal scheme

12. The proposal is in outline, with only the point of access (not the internal road layout) submitted for approval at this stage. The access point would be by way of an existing roadway within the Bellway Homes development.
13. Indicative plans have been submitted, suggesting how the site could be developed for the quantum of development proposed.

Development plan context

14. The development plan comprises the Cheshire East Local Plan Strategy (CELPS) (2017) and the saved policies of the Crewe and Nantwich Replacement Local Plan 2011 (2005) (CNLP). The appeal site is outside the settlement boundary and is therefore defined as being within the open countryside in policy terms.
15. The second part of the Cheshire East Local Plan will be the Cheshire East Site Allocations and Development Policies Document ("SADPD") which will contain detailed policies and allocations. The Publication Draft Adopted Policies Map again shows the appeal site as being within the open countryside. However the SADPD is at a comparatively early stage, is the subject of objections and attracts limited weight.
16. In relation to the settlement pattern, CELPS policy PG2 deals with the settlement hierarchy. Winterley is not a defined centre. In areas outside the hierarchy the plan provides that development should be proportionate to the scale and commensurate with the function and character of the settlement and be confined to locations well related to the existing settlement. This approach is reflected in policy SD1 which prioritises growth in certain defined locations – again not including Winterley.
17. Given that the site is in the open countryside in relation to settlement boundaries, CELPS policy PG6 applies. This provides a restrictive approach to development, as none of the stated exceptions apply in this case. (A similar approach is taken in CNLP saved policy RES.5).
18. In relation to the character and appearance of the area, CELPS policy SD2 sets out a number of sustainable development principles. In particular proposals should contribute positively to an area's character and identity, taking account of a number of matters including the relationship to the wider neighbourhood.
19. CELPS policies SD1, SD2 and SE2 deal with the efficient use of land. Amongst other matters these provide that development should safeguard high quality agricultural land. (defined as Grades 1, 2 and 3a).
20. The SOCG (Section 6.2) sets out an extensive list of policies which the parties agree are relevant to the appeal. Many of these relate to matters not in dispute.

The effect on the settlement pattern

21. The overall approach of the development plan is to direct most development to sustainable locations, as set out in the settlement hierarchy. This is particularly referenced in CELPS policy PG6 and CNLP policy RES.5. Winterley is a location where, amongst other matters, growth should be in the interests of sustainable development and the maintenance of local services. There is no suggestion that there is a particular need for the appeal scheme to assist local services.
22. The appellant accepts that the appeal scheme is outside the settlement boundary and is in the defined open countryside, and that therefore the proposal is in conflict with these policies. I agree with that position.
23. There is also an argument advanced by residents and, latterly, by the Council that development should be proportionate to the function and character of the

settlement. Although the precise amount by which Winterly has grown in recent years is not entirely clear, there can be no doubt that it has experienced a significant amount of development over recent years. That said, there is no evidence before me as to the actual harm that this growth has caused or harm that the appeal scheme would cause in combination with other developments. This argument therefore adds very little to my consideration.

24. I will deal below with the appellant's argument that the settlement boundaries are out of date and should be given less weight for that reason, but would note here that I am unconvinced by this argument. The appeal site is outside the adopted settlement boundary and I have considered this appeal on that basis.
25. The debate as to whether these policies have a dual sustainability and character/appearance role is somewhat academic under this heading as the policies clearly apply to the settlement pattern. It is clear to me that the policies do have such a dual role and I will return to them again in the next section of this decision. This dual role has been identified in a number of places, most obviously in the Inspector's report into the Local Plan and in an appeal decision in 2015 at Pool Lane (APP/R0660/A/14/2216767).
26. The development plan should guide decisions about the appropriate location of development, although conflict with this part of the plan is not the end of the matter. Overall, it is clear that the proposal, being outside the boundary of the settlement, conflicts with the adopted spatial strategy, and conflicts with (in particular) CELPS policy PG6 and CNLP policy RES.5. I give this matter considerable weight.

The effect on the character and appearance of the area

27. The parties agree that CELPS policy PG6 and CNLP policy RES.5 are relevant to this issue and are breached by the proposal, as it does not fall into any exceptional category envisaged in the policies. Given that the proposal is for a change from open agricultural land to a housing development, this breach is entirely self-evident. The issue between the parties is the extent and magnitude of the harm.
28. As summarised above, once the various developments surrounding the site are completed, the appeal site will be enclosed by residential development on three sides. The other side – to the north of the site, is occupied by gardens and paddocks related to residential properties.
29. The baseline landscape character is described in the Cheshire Landscape Character Assessment as Landscape Character Type LCT7: Lower Wooded farmland. This area is typified by strong field patterns with well-maintained boundaries, and by fields of varying sizes. However this description dates from 2018, and much has occurred in the immediate vicinity of the site since that time. Although the site retains some elements of the wider area, it makes virtually no contribution to that landscape.
30. The Council's position is that, as the site would change from being undeveloped to being developed, this would be harmful as it would result in an urbanisation of the countryside. However the authority has taken the argument virtually no further and has not assessed the nature or extent of this harm.

31. In contrast the appellant has prepared a comprehensive Landscape and Visual Appraisal, which has not been challenged in any detail, which concludes that there would not be significant effects on the character of the wider landscape. In my view, although the site retains some elements of the wider area, it makes almost no contribution to that landscape because of its location and surroundings. It has essentially become a remnant open area, of no particular benefit, in an otherwise largely urban landscape. For that reason I agree with the appellant's assessment that the landscape effect on the site itself would be moderate to slight-moderate, occasioned by the physical change to the site.
32. Visually, given the established boundary vegetation, the site is well contained. There are virtually no views of the site from the wider undeveloped countryside. The extent of the area from which adverse visual effects would be experienced is limited to individual houses which back, or will back, onto the site. The change to those limited views would not be surprising given the context in which the houses are set – that is to say it would not be unusual for people living in a housing development to have views of another housing development. I conclude that the visual effects can be assessed as slight-moderate, potentially reducing to negligible depending on subsequent landscaping.
33. I can deal briefly with three other matters raised, with varying degrees of emphasis, by the parties.
- I note that, as referenced by the appellant, there was no stand-alone reason for refusal related to landscape matters. However this is not of any particular significance as the single reason for refusal does clearly reference an allegation of adverse effect on the appearance and character of the area.
 - There was a suggestion from the Council that the site was identified as land to be preserved for its particular qualities, including its open character. However there was no evidence as to where any such identification is to be found, and I do not give this suggestion any weight.
 - Finally the Council contended that the proposal would be contrary to the established 'ribbon' grain of the settlement. This suggestion did not form part of the reason for refusal and was not evidenced in any detail. In any event I am not convinced that, given the surrounding developments, there is any such overall characteristic in the vicinity of the site.
34. Overall, the change in land use would be in conflict with the development plan policies referenced above. However the extent of the harm to the character and appearance of the area is significantly reduced by the existing enclosure of the site and its relationship to the surrounding built development.

The loss of Grade 2 agricultural land

35. The appeal site is agreed to be classified as Grade 2 BMV agricultural land for policy purposes. The proposal would clearly result in the loss of BMV land and would therefore be contrary to CELPS policies SD1, SD2 and SE2. There is no dispute between the parties related to this conflict and the appellant has not suggested that there is any strategic need to outweigh the policy approach.

36. The issue in this respect relates to the specifics of the appeal site and its potential usefulness as BMV land.
37. The appeal site is only around 2.1 hectares in extent and is not a particularly significant area. However in itself this would not be a particularly strong argument for the loss of BMV land, as it could be repeated too often to the detriment of the overall supply of this resource.
38. However in this case, allied to the limited size of the land, is the fact that it is severed from any surrounding non-residential use and is physically detached from any wider agricultural holding. I understand that the land was previously accessed from Pool Lane but this access was cut off when the current housing development was constructed. I appreciate that the proposed housing scheme is intended to be accessed through the Bellway development, but there is nothing before me to show if future agricultural access could be provided through the housing development. Although it is not inconceivable that agricultural access could be gained through a modern housing estate, it would be unusual.
39. With this background, and given the use of the surrounding area, there does not appear to be any opportunity to amalgamate the land with any other holding in the area. The Council did not suggest any specific potential in this respect. The evidence of the authority stressed the potential of the land in isolation, accessed through the housing development, for livestock grazing. However the appellant stated that there was no water supply on the land – a point not contested by the authority – and this would clearly reduce its attractiveness. The economics of farming this land on its own are tenuous at best and the need to provide a water supply would reduce any demand still further.
40. I do not consider that the appellant's argument that, surrounded by housing development, grazing land would be inherently unattractive or out of place. However overall the evidence does not demonstrate any real likelihood of a resumption of agricultural use.
41. There was a discussion at the Inquiry, supplemented by evidence after it closed, regarding the proportion of land in Cheshire East which is BMV. The material also addressed the role of BMV land in relation to emerging site allocations. However this is not a matter on which this issue turns, as the focus in this case is on the specifics of this particular site.
42. Overall, whilst the use of this land for housing would result in the loss of an area of BMV land contrary to policy, the balance of the evidence is that the proposal would not materially impact on agricultural production. I accordingly give the harm modest weight.

Other matters

43. Local residents have raised concern about traffic generation and in particular the consequences of the proposal for the junction of Pool Lane and Crewe Road. However I have no technical highways evidence before me to support either the suggestion that the surrounding roads have a capacity problem or that the junction in question would be dangerous as a result of the proposal.
44. In terms of the accessibility of the site, I am conscious that Winterley has limited facilities, but also that there is a bus service along Crewe Road which

gives access to other larger settlements. There is nothing before me to demonstrate that the proposal is in an unsustainable or inaccessible location by modes of transport other than the private car.

45. The Council has drawn my attention to an appeal decision at The Heath Vicarage in Sandbach (APP/R0660/W/3258998). This site is similar to the current appeal site in that it is outside the boundary (of a larger settlement). However each appeal must be considered on its own merits, and I note from that appeal decision that my colleague referred to the contribution which that site made to the rural character of the area, and to the fact that it could be viewed from an adjacent footpath. This distinguishes that appeal from the situation before me.

Conditions and planning obligation

46. A range of conditions was discussed and agreed, without prejudice, between the main parties. I have made minor modifications in the interests of clarity and to comply with guidance.
47. As the proposal is in outline, a range of conditions relating to the submission of approval of details are necessary (Conditions 1-4). In the interests of clarity and to ensure the development is in line with the proposal as submitted, conditions are needed to identify the approved plans, limit the size of the development to that sought, and ensure broad compliance with the submitted site plan (5-7). Details of facing and roofing materials and levels need to be submitted in the interests of the appearance of the development and the surrounding area (8, 9).
48. The landscaping details need to be undertaken within defined periods and to specified standards, and a tree protection scheme approved (19, 20).
49. So as to address flood risk, drainage details need to be submitted for approval (11).
50. In the interests of sustainability a condition is necessary to provide electric vehicle infrastructure (12).
51. To protect the residential amenity of surrounding residents, a Construction Environmental Plan needs to be submitted to the Council for approval, covering a range of potential sources of pollution (13). For the same reason, and in the interests of future occupiers of the development, conditions are needed to investigate and potentially remediate any pollution on the site (14-17).
52. A range of matters need to be conditioned in the interests of biodiversity and species protection (21-25).
53. The proposal is accompanied by a signed and dated s106 Planning Obligation (17 November 2020) which includes a number of provisions. Most importantly the obligation provides for 36% affordable housing, with a split between social rent/affordable and intermediate tenure. The provision exceeds the requirements of CELPS policy SC5.
54. A number of contributions are included in relation to education, healthcare and open space. These all stem from the additional pressure which the development would place on facilities in the area, and are based on transparent

methods of calculating the amounts. The provisions are in line with CELPS policies IN1, IN2, SC3 and CNLP policy RT.3.

55. All the provisions and contributions in the s106 are directly related to the proposed development and are necessary to make the development acceptable in planning terms. Therefore I consider that the Obligation meets the policy in paragraph 56 of the National Planning Policy Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I have taken it into account.

Planning balance and conclusion

56. I have considered whether the so called 'tilted balance' at paragraph 11d of the National Planning Policy Framework is engaged in this case in relation to housing land delivery and/or regarding settlement boundaries.
57. On the first matter the parties agree that, on an agreed base date of April 2019, there is in excess of a five year deliverable supply of housing. In addition it is agreed that, in terms of the Housing Delivery Test (January 2021), the number of homes delivered in Cheshire East over the past three years has exceeded the number of homes required by the standard method. Although this does not act as a cap on housing delivery, there is agreement that the tilted balance is not engaged on this basis. This conclusion is in line with a recent appeal decision at Audlem Road/Broad Lane, Stapeley, Nantwich.²
58. Secondly the appellant has argued that the tilted balance is engaged as the settlement boundaries are out of date. The settlement boundaries and related policies were clearly found sound at the time of the Inspector's report and the adoption of the CELPS. Although I appreciate that the definition of the boundaries may have pre-dated that plan, this was the opportunity to refresh them. Simply the passage of time is not enough to render the boundaries out of date – a point accepted by the appellant.
59. In the immediate vicinity of the appeal site, it is clear that recent developments are not reflected in the settlement boundaries – I have no knowledge of whether this applies elsewhere in the area. However any such refreshing or updating will properly occur as part of the emerging plan, and whilst I appreciate that there has been a delay in progressing that review, that is the proper forum for the debate. I appreciate that the appellant is not suggesting that I carry out a review of boundaries generally, but the development which has happened on the ground in this part of Winterley falls far short of leading to the conclusion that the settlement boundaries are out of date.
60. In coming to that view I am aware that other decisions to which I have been referred broadly agree that the boundaries are not fully up to date. But this has not generally led to a finding that the boundaries and related policies are out of date, thus triggering the tilted balance.
61. Turning to the planning balance, the main factor weighing against the proposal is the conflict with the adopted spatial strategy, to which I give considerable weight. The harms to the character and appearance of the area and that caused by the loss of BMV land are substantially reduced by the factors discussed above.

² APP/R0660/A/13/2197532 & APP/R0660/A/13/2197529

62. Weighing in favour of the proposal, the provision of market housing in a sustainable location is afforded significant weight. The provision of affordable housing, above the policy requirement, is also given very significant weight. There are also economic benefits in terms of direct and indirect employment during its construction, followed by expenditure in the local economy, which are given moderate weight. I give the potential provision of open space very little weight at this stage, as the quantum and layout are not before me.
63. Overall, the material considerations taken together outweigh the conflict with the policies of the development plan and justify the grant of permission.
64. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Richborough Estates

APPEARANCES

FOR THE APPELLANT:	
Ian Ponter of Counsel	Instructed by Emery Planning
John Coxon BSc (Hons) MPlan MRTPI	Director, Emery Planning
Emma Podmore	Associate Director, DEP Landscape Architecture
Rory McVean CMLI	Director, DEP Landscape Architecture
Alastair Field BA(Hons) PGDip MSc	Director, Reading Agricultural Consultants

FOR THE LOCAL PLANNING AUTHORITY:	
Matthew Henderson of Counsel	Instructed by the Solicitor to Cheshire East Council
Gareth Taylerson Msc MRTPI	Principal Planning Officer
Chris Harvey BSc(Hons) FBIAC	Harvey Hughes Rural Consultants
Nicky Folan	Council's solicitor

INTERESTED PERSONS:	
Councillor Stephen Edgar	Haslington Ward

DOCUMENTS

Document 1	Council's closing comments
Document 2	Appellant's closing comments
Document 3	Report - Role of Best and Most Versatile Land in Cheshire East (2016)
Document 4	Draft site allocations in SADPD involving BMV
Document 5	Completed planning obligation dated 17 November 2020
Document 6	Letter from the Council (28 January 2021) regarding Housing Delivery Test and The Heath Vicarage appeal decision
Document 7	Appeal decision (13 January 2021) (APP/R0660/W/20/3258998) related to The Heath Vicarage, School Lane, Sandbach
Document 8	Letter from the appellant (3 February 2021) regarding Housing Delivery Test and The Heath Vicarage appeal decision

Land off Crewe Road, Winterley

Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "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 to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not exceed 55 houses.
- 5) The development hereby permitted shall only be carried out in accordance with the following approved plans:
 - Location Plan (ref: 17061(SU) 099)
 - Site plan (ref: 17061 (SU) 099)
 - Proposed site access arrangements (ref: 1922-F01)
- 6) The details of the reserved matters shall be in broad compliance with the Site Plan 17061 (P1) 100D.
- 7) No development involving the use of any facing and roofing materials shall take place until details or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted to and approved by the local planning authority before any development on the site commences. The approved details shall be implemented in full.
- 9) The development permitted by this planning permission shall be carried out in accordance with the approved FRA (3105-FRA- Rev A, prepared by Integra Consulting) dated June 2019.
- 10) No development shall take place until an overall detailed strategy / design limiting the surface water runoff generated by the proposed development and associated management / maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The drainage design must also include information about the design storm period and intensity (1 in 30 and 1 in 100 (+30% allowance for Climate Change)) and any temporary storage facilities.
- 11) Prior to the first occupation of the properties, the developer shall provide Electric Vehicle Infrastructure to the following specification:

- A single Mode 3 compliant Electric Vehicle Charging Point per property with off road parking. The charging point shall be independently wired to a 30A spur to enable minimum 7kW Fast charging or the best available given the electrical infrastructure.
- Should the infrastructure not be available, written confirmation of such from the electrical supplier shall be submitted to the local planning authority prior to discharge. Where there is insufficient infrastructure, Mode 2 compliant charging may be acceptable.

The infrastructure shall be maintained in an operational condition in perpetuity.

- 12) Prior to the development commencing, a Construction Environmental Management Plan shall be submitted to and agreed by the planning authority. The Plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of:

- Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
- BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise and Part 2: Vibration.
- Waste Management.
- Dust generation caused by construction activities and proposed mitigation methodology.

There shall be no burning of materials on site during demolition / construction.

The Construction Environmental Management Plan shall be implemented and in force during the construction phase of the development.

- 13) No development (other than agreed demolition and site clearance works) shall commence until:

- A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and approved in writing by, the local planning authority and:
- If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and approved in writing, by the local planning authority.

The remediation scheme shall be carried out in accordance with the approved Remediation Strategy.

- 14) A Verification Report prepared in accordance with the approved Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority, prior to the occupation of the development.
- 15) Any soil or soil forming materials to be brought to the site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use prior to importation onto the site. Prior to occupation, evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority.
- 16) If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme agreed in writing by the local planning authority.
- 17) Prior to commencement, a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. The scheme shall also include details of replacement hedgerow planting.
- 18) The approved landscaping plan shall be completed in accordance with the following:
 - All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the local planning authority.
 - All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - All new tree planting shall be positioned in accordance with the requirements of Table 3 of British Standard BS5837: 2005 Trees in Relation to Construction: Recommendations.
 - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

- 19) Any reserved matters application shall be supported by an Arboricultural Impact Assessment that ensures the design shall take into account both above and below ground constraints), a Tree Protection Scheme and Method Statement in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.
- 20) Any reserved matters application shall be supported by an updated badger survey and shall include mitigation proposals. The development shall only be undertaken in accordance with the approved mitigation scheme.
- 21) Trees identified as having high bat roost potential, by the submitted extended phase one plan prepared by REC should be retained unless otherwise agreed in writing by the local planning authority.
- 22) Any future reserved matters application shall be supported by details of the proposed lighting scheme. The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill on bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime.
 - Number and location of proposed luminaires.
 - Luminaire light distribution type.
 - Lamp type, lamp wattage and spectral distribution.
 - Mounting height, orientation direction and beam angle.
 - Type of control gear.
- 23) Any reserved matters application shall be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development, including replacement planting for any unavoidable loss of hedgerows, in accordance with the recommendations set out within the Preliminary Ecological Appraisal dated July 2019 (ref: 1CO103901EC5R1).
 - 24) Prior to the commencement of development an updated barn owl survey is to be undertaken by a suitably experienced person and a report submitted to the local planning authority. If any evidence of barn owl activity is recorded the submitted report shall include mitigation and compensation proposals to address any adverse impacts resulting from the development.

.....End of conditions.....