



Appeal Decision

Hearing held on 4 October 2022

Site visit made on 5 October 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/E2205/W/21/3289039

Land off Front Road, Woodchurch, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Gladman Developments Ltd against Ashford Borough Council.
 - The application Ref 21/01284/AS, is dated 7 July 2021.
 - The development proposed is the erection of up to 40 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 40 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works at Land off Front Road, Woodchurch, TN26 3SA in accordance with the terms of the application, Ref 21/01284/AS, dated 7 July 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Outline planning permission is sought but with only access to be considered at this stage. I have determined the appeal on this basis.
3. A S106 has been submitted which was discussed at the hearing and includes all contributions requested by the Council. Amongst other things, the S106 would secure 40% affordable housing and 5% self build homes. I also note that the agreement includes a blue pencil clause in respect of a contribution towards the Voluntary Sector. I have taken all the provisions of the agreement into account in my decision, although I will return to this matter in detail later.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the site would be a suitable location for housing with particular regard to the spatial strategy and its scale.

Reasons

Character and Appearance – rural character

5. The appeal site is an open field, bounded by mature hedgerows and planting. It is within the Woodchurch Undulating Farmlands Landscape Character Area which is characterised by small fields and bushy hedgerows. The site makes a positive contribution to the character of the area in this regard. To the rear and in the surroundings are open fields, similar in character to the appeal site, resulting in a pleasant open, rural character.
6. The appeal site has a boundary to Front Road between numbers 82 and 120 which has a mature hedgerow and access gate. Front Road is generally characterised by linear development of varied but traditional housing. On the West side of the road this creates views between the properties to the open land beyond. This results in an important connection between the village and its rural surroundings. Many of the properties along Front Road have generous gardens to the rear, these introduce an element of domesticity beyond the built form. However, due to the open, green nature of the gardens this does not undermine the views to the countryside beyond. The appeal site also enables such vistas towards the countryside and makes a positive contribution to the character of Front Road in this regard.
7. Policy S40 of the Ashford Local Plan 2030 (February 2019) (the Local Plan) proposes the front part of the site for residential development for a maximum of 8 dwellings. A linear development along the front of the appeal site could continue the pattern of development in this area. However, the appeal scheme would introduce housing to a larger part of the site than is allocated under Policy S40. The application is in outline, but illustrative drawings indicate the majority of the site would be occupied by housing, although there would be open space to the westerly area which is shown to be used as public open space.
8. The proposed development would therefore introduce a large amount of housing and associated urbanising features such as roads, parking and domestic gardens into open rural land. This would be harmful to the characteristic sense of openness and rural qualities on this site. The illustrative drawings show that it would be possible to retain a view through the site to the countryside beyond. However, this would be along a residential road. The foreground of this view would therefore have an urban character and as such this undermines the close relationship between Woodchurch and the countryside in this location.
9. Due to the topography of the surrounding area, Woodchurch is visible in distant views, including from the AONB. However, the proposed housing is adjacent to the urban area and, although it would extend further into the countryside than the existing built form, considering its extent, it would not be significantly harmful to these views. Nevertheless, the proposed development would have a harmful effect on the character and appearance of the immediate site and surroundings for the reasons set out above.

Character and Appearance - Heritage

Listed Buildings

10. There are listed buildings close to the site. These include Townland Farmhouse which is Grade II listed. It appears to derive its significance from its historic use as a farmhouse and the extent to which its appearance reflects this. The surrounding agricultural fields, including the appeal site, therefore form a functional and visual part of its setting. However, the appeal site is separated from Townland Farmhouse by the curtilage of other houses. Therefore, given this disconnection, the contribution that the appeal site makes to the asset's significance is minimal.
11. Given its historic agricultural use, the open land of the appeal site makes a positive contribution to the appreciation of this property's historic function. Furthermore, the farmhouse appearance of the listed building is related to its traditional open setting.
12. The appeal scheme would introduce a considerable amount of built development closer to Townland Farmhouse, undermining the openness of its traditional farmstead setting. However, the proposed development would not result in the direct loss of any of the historic materials or architecture in place on the building. Furthermore, due to the separation between the site and Townland Farmhouse, the scale of the impact on this heritage asset would therefore be minimal.
13. There are a number of other listed buildings within the surroundings. However, I am not provided with detailed evidence that leads me to conclude that there would be harm to the settings of these buildings.

Woodchurch Conservation Area

14. Woodchurch Conservation Area (CA) derives its significance as a whole from the historic pattern of development in Woodchurch. It is centred around the public open space of The Green which backs on to a landscape of small fields, and it includes prominent buildings such as the church and the Windmill. The appearance and layout of the traditional buildings, many of which are listed, also contribute to its significance. The village within the CA has a linear form, with open land behind the housing along the main roads.
15. The CA is directly opposite the site at its closest point, and therefore there is a direct visual link. The openness of the rear part of the appeal site continues the traditional pattern of development from Woodchurch Village of open land which is clearly apparent behind a row of development. Albeit that in this location the front of the site is also undeveloped. As such the appeal site makes a positive contribution to the setting of the CA in this regard.
16. As set out above, the proposed development would undermine the characteristic linear development and rural views towards the countryside. This would erode these important features of the setting of the CA, which is a non designated heritage asset. Nonetheless, the proposed development would not affect the important historic fabric of the CA, which is a designated heritage asset. As such the scale of the impact on the significance of the setting of the CA would be minimal.

Non-designated heritage asset

17. The Mission Hall opposite the site is a 'notable local building'. It was historically used as a church, but I understand that it is being converted to residential use. Its significance derives from its previous use as a place of worship and the association of this with the social and historic development of Woodchurch, as well as the way in which its physical form makes this apparent. The appeal site is immediately opposite this building, and therefore makes a contribution to its setting in so far as they are intervisible. However, its present agricultural use and rural surrounding do not contribute to the building's significance.
18. The Mission Hall consequently has a moderate degree of heritage significance meriting consideration in planning decisions although it and its setting have no statutory protection. Although the proposed development is in outline, indicatively 2 storey housing would be provided opposite this building. This would not overwhelm the physical attributes of the building that indicate its previous historic use. Consequently, there would not be harm to the setting of this non designated building.

Heritage Balance

19. In terms of the National Planning Policy Framework (2021) (the Framework) the harm to the significance of a designated heritage asset would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with paragraph 202 of the Framework. The proposed development would fail to preserve the setting of the Grade II listed Townland Farmhouse.
20. A development providing up to 40 new homes, 16 of which would be affordable and align with local needs would amount to a very significant public benefit. By contrast I consider the harm to the setting of the Listed Building would be minimal. Therefore, although I am required to have special regard to the desirability of preserving the setting of the Listed Building and such harm is a matter of considerable weight and importance, in this case it is outweighed by the scheme's public benefits.

Character and Appearance – summary

21. In summary, the proposed development would have a harmful effect on the character and appearance of the area, due to the loss of the open, undeveloped field and the harmful erosion of the close connection between the village and the countryside setting of the CA. As such, the proposed development would be contrary to Policy HOU5, SP1, SP6 and ENV3a of the Local Plan. Together, in part, these require that housing in the countryside should be of the highest quality design including being consistent with local character, with particular regard to specific landscape characteristics.

Spatial Strategy

22. Policy SP1 of the Local Plan sets the high level spatial strategy for the borough, with development focussed in accessible sustainable locations, amongst other things. The supporting 'Vision' is that Ashford will be the main focus for development. Policy SP2 of the Local Plan sets out the strategy for housing. Of relevance to this proposal, this policy requires that development in the rural areas is of a scale that is consistent with the settlement's accessibility,

infrastructure provision, level of services available, suitability of sites and environmental sensitivity.

23. Policy HOU5 of the Local Plan also sets out that residential development adjoining the built up confines of Woodchurch will be acceptable providing it meets specific criteria. These include that the scale of development proposed would be proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan and committed development.
24. The part of the site immediately adjacent to the road is allocated for 8 dwellings under Policy S40 of the Local Plan. However, the rear part of the site is within the rural area for the purposes of the development plan. Nevertheless, at present no part of the site has been developed. There is another planned allocation in Woodchurch for 30 dwellings, and 33 additional windfall dwellings have been granted in Woodchurch since the adoption of the local plan, 16 of which have been completed. In particular, the Council is concerned that the level, type and quality of the services would not be able to absorb this additional development of up to 40 homes.
25. Woodchurch has a number of existing services including a grocery shop and post office, primary school, village hall, recreation ground, pubs and church. It is also served by a bus service. The bus provides links to Ashford and Tenterden. It runs 7 days per week at regular times, throughout the day and into the evening. I have no firm indication that this service is likely to change. Whilst it would not cater for all journeys or all accessibility needs, it nevertheless provides a sufficiently regular and realistic option to access services which are not available in Woodchurch, taking into account its rural location. A condition is also recommended to provide signage for the bus stops closest to the site, which would improve the usability of these stops.
26. The proposed development would be likely to generate 11 new primary school pupils. There is a primary school within Woodchurch and Kent County Council (KCC) have stated that these new pupils could be accommodated within an expansion of primary schools within the Woodchurch and Hamstreet Primary planning group. Although the land on which Woodchurch School is located may be somewhat constrained, KCC do not identify any issues with delivering these additional places for pupils. As such, school provision for the proposed development would be adequate.
27. The NHS have also identified that the healthcare needs of the new occupants could be accommodated with the refurbishment, reconfiguration and/or extension of Woodchurch Surgery, and/or a new general practice premises. On this basis, I am satisfied that healthcare services could expand to absorb this number of new homes.
28. Most of the site allocations in rural areas are for less than 40 homes. However, I see no reason that development that provides a greater amount of housing should be precluded, subject to satisfying the Policy requirements. Although the proposed development would result in an increase in the number of homes on this site than that allocated by the local plan, I have assessed the impacts on a site specific basis. The Council would retain the right to do the same with

any proposals that come forward on other sites and it does not directly follow that all sites would increase by the same percentage.

29. Therefore, I conclude that the site would be a suitable location for housing with regard to the spatial strategy and its scale. As such, in this respect, it would be in accordance with Policy SP1, SP2 and HOU5 (a) of the Local Plan, the aims of which are set out above.

Other Matters

Planning Obligation

30. The S106 secures that the development would provide 40% affordable housing, with a split of 10% affordable rented and 30% shared ownership housing. As well as 5% of dwellings being self build and custom plots. This accords with Policy HOU1 and HOU6 of the Local Plan and therefore I am satisfied that such requirements meet the statutory and policy tests.
31. The planning obligation would also provide Healthcare and Primary Education contributions which would provide proportionate amounts to deliver the necessary expansion to these services as set out above. Additionally, it would provide contributions to Indoor Sports, Outdoor Sports, Play Area, Strategic Park, Informal Natural Greenspace, Community Learning, Library and Youth Services and Social Care. I am provided with substantive evidence that these are necessary, relevant and related in scale and kind in order to mitigate the impacts of the proposed development on these services. Given the various trigger points for obligations, the inclusion of the monitoring fee would be proportionate and reasonable.
32. It is likely that the improvements to local public spaces and services set out above would not just be used by occupants of the development. Nevertheless, by their nature such contributions are necessary to mitigate adverse effects and therefore any indirect benefits in this regard are minimal.
33. The S106 also includes a Voluntary Sector Contribution. I sought clarification of this at the hearing however I was not provided with any adequate justification for this particular contribution. As such I am not satisfied it is necessary to make the development acceptable in planning terms, nor related in scale and kind to the proposed development. Therefore, I give this element of the planning obligation no weight in the determination of the appeal. Due to the blue pencil clause in the S106 this section of the obligation will therefore cease to have effect.

Drainage

34. There are existing issues with sewage infrastructure in Woodchurch. Southern Water acknowledge that at present the proposed development would lead to an increase risk of foul water flooding. However, they have provided a written statement that they endeavour to provide reinforcement within 24 months of planning consent being granted.
35. Although I appreciate that this has not been delivered in the past, I understand that delivery is linked to funding from approved planning permissions, and no such applications have recently been approved. Consequently, I am satisfied that Southern Water would provide suitable reinforcement in a timely manner.

36. Conditions could be recommended to ensure that a sustainable surface water drainage scheme would be provided and implemented to ensure that the development would not increase flood risk on or off site. However, as the detail is yet to be secured it cannot be confirmed that this will improve the situation. As such, at this stage, this would not be considered as a benefit of the development.

Highways

37. I understand that Front Road can be a busy route and the speed limit has been lowered to 30mph. There are concerns about the safety of the access. I am provided with details of visibility splays which show that there would be suitable and safe intervisibility between cars entering and leaving the site, even at the proposed gradient. Given the development of the site for 40 dwellings I am satisfied that the traffic increase associated with these properties would not have a detrimental effect on the operation of the highway network.
38. The creation of a footpath to Front Road would provide a point for future occupants to cross to the opposite side of the road, where a pavement connects with facilities in Woodchurch. As such this is not likely to be widely used by people who do not live within the proposed development and any benefit in this regard is negligible. As a formal pavement exists on the opposite side it is unlikely that pedestrians would choose to walk along the unpaved grass verges.

Planning Balance

39. Due to the harm to the character and appearance of the area, the proposed development would not comply with the development plan as a whole. Although the main parties agree that the Council cannot demonstrate a 5 year supply of deliverable housing sites, the extent of the undersupply is not agreed.
40. In July 2020 Natural England issued an Advice Note requiring any new development providing overnight accommodation within the Stour catchment to demonstrate 'nutrient neutrality'. The consequence of this is that since the advice was issued the Council have been unable to grant planning permission for the majority of new housing within the Stour Catchment. This is referred to as the 'Stodmarsh Issue'.
41. The Council is pursuing a mitigation strategy to deal with the 'Stodmarsh Issue', and I heard that progress is being made, with planning permissions likely to be granted from the turn of the year. The 4.54 year housing supply position set out in the Five Year Housing Land Supply Update July 2021 2021-2026 (July 2021 Update) was on the basis that permissions could be granted from Autumn 2022. Therefore, the supply is likely to be less than this. However, it is unlikely to be as low as the 3.5 years which was suggested in appeal ref APP/E2205/W/21/3284479 as this was on the basis of the evidence at that time, that there was uncertainty over the time that it would take to provide mitigation. As such, on the evidence before me now, that around a 3 month delay in the ability to grant planning permission is expected compared to the July 2021 statement, I find a figure closer to 4.54 years is likely.

42. Nevertheless, the Framework is clear than in these circumstances paragraph 11d is engaged. This is the case even if part of the borough is affected by the 'Stodmarsh Issue'.
43. The proposed development would undermine the rural character the site contrary to the requirement of the Framework that development should be sympathetic to local character including the landscape setting. However, these impacts would be localised and limited to the site and its immediate setting, including minimal harm to the setting of the CA. As such these collective adverse impacts would be moderate.
44. Whilst paragraph 11d of the Framework is engaged, I nevertheless find that Policies HOU5, SP1, SP6 and ENV3a of the Local Plan are broadly consistent with the aim of the Framework to create well designed places which are sympathetic to local character, including the surrounding built environment and landscape setting. As such, I afford full weight to the conflict with these policies.
45. On the other hand, the proposal would provide up to 40 new homes, a significant social benefit. This would contribute to the government's target to significantly boost the supply of homes and address the needs of groups with specific housing requirements including affordable housing and people wishing to commission or build their own homes. Future occupants would be likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Furthermore, the development would create a new area of public open space and recreational footpaths. Taking all the above into account, the overall benefits of the scheme would be considerable.
46. This leads me to conclude that the moderate adverse impacts would not significantly and demonstrably outweigh the considerable benefits set out above. As such this consideration is of sufficient weight to indicate that the presumption in favour of sustainable development should apply in this case.

Conditions

47. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
48. I am attaching the standard implementation condition and the requirement to submit reserved matters, also in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring the site to be available for inspection is not necessary and I have not included it here.
49. Details of an Ecological Mitigation and Management Plan, Landscape and Ecological Management Plan and a scheme for the protection and enhancements of biodiversity, are required in the interests of biodiversity. A Great Crested Newt district level licence issued by Natural England is also necessary for this reason. Details of a lighting strategy are needed for the same reason, as well as in the interests of the character and appearance of the area, light pollution and dark skies.

50. Details of parking, loading and turning during construction and the location of the site compound and lorry routing, as well as wheel cleaning facilities are required in the interests of highway safety and living conditions. A travel plan which encourages travel to be made by sustainable travel modes and details of upgrades to bus stops are also required in order to promote sustainable transport modes. Electric vehicle charging points are necessary for the same reason and also in the interests of air quality. Hours of construction work must also be controlled to protect the living conditions of nearby occupiers. I have not included the condition requiring details of highway features such as roads, footways and verges as these details would be secured at reserved matters stage.
51. A scheme to deal with contamination of land and/or groundwater is needed to protect the environment and public safety. Details of the resultant risk to controlled waters and/or ground stability, and detail of the parts of the site where infiltration is to be used to manage the surface water must also be submitted to protect groundwater. Details of archaeological investigation are necessary to ensure that features of archaeological interest are properly examined and recorded.
52. A sustainable surface water drainage scheme and details demonstrating that requirements for surface water drainage for specific durations and intensities can be accommodated must be submitted. This is so that the development does not increase flood risk on site or elsewhere. A verification report for the surface water drainage system is required for the same reason as well as minimising risk to controlled waters and ecological systems. A foul water drainage scheme is necessary to ensure that the development does not exacerbate the risk of on and off site flooding.
53. A condition requiring the submission of a unilateral undertaking does not meet the tests, furthermore a S106 has been submitted. Therefore, this suggested condition is not included.

Conclusion

54. I have found that the proposal conflicts with the development plan as a whole, but that in this case the provisions of the Framework indicate that planning permission should be granted otherwise than in accordance with the development plan.
55. For this reason, I conclude that the appeal should be allowed, subject to conditions.

H Miles

INSPECTOR

Schedule of Conditions

- 1) Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences 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 the expiration of 3 years from the date of this permission.
- 3) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CSA/4477/119 (Rev B), drwg 1962/09 (Rev B)
- 5) Prior to the commencement of development, an Ecological Mitigation and Management Plan (EMMP) shall be submitted to and approved in writing by the Local Planning Authority. The EMMP shall be based on the recommendations in Section 5 of the Ecological Impact Assessment by CSA (CSA/4477/05). It shall provide detailed mitigation measures to be carried out on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details. The EMMP shall include the following:
 - i) Risk assessment of potentially damaging site clearance and construction activities in relation to important habitats such as hedgerows and protected species, including great crested newt, reptiles, dormouse, badger, bats and breeding birds;
 - ii) Extent and location of proposed mitigation measures, shown on appropriate scale maps and plans;
 - iii) Identification of 'biodiversity protection zones';
 - iv) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during site clearance and construction (may be provided as a set of method statements);
 - v) The location and timing of sensitive works to avoid harm to biodiversity features;
 - vi) The times during construction when specialist ecologists need to be present on site to oversee works;
 - vii) Responsible persons and lines of communication;
 - viii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - ix) Use of protective fences, exclusion barriers and warning signs.The approved EMMP shall be adhered to and implemented throughout site clearance and the construction period in accordance with the approved details.
- 6) Prior to the commencement of development a 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 the following:

- i) Description and evaluation of landscape and ecological features to be retained and managed;
- ii) Ecological trends and constraints on site that might influence management decisions;
- iii) Aims and objectives of management;
- iv) Appropriate management options for achieving those aims and objectives;
- v) Prescriptions for management actions, together with a plan of management compartments;
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) Details of the body or organisation responsible for implementation of the plan;
- viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. 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 objectives of the originally approved scheme. The development shall be carried out in accordance with the approved details.

- 7) Prior to the commencement of development, details of a scheme for the protection and enhancements of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the LPA. The approved scheme shall be fully implemented prior to the occupation of the final dwelling and retained as such thereafter.
- 8) Prior to the commencement of development a GCN district level licence issued by natural England shall be submitted to and approved in writing by the Local Planning Authority.
- 9) Prior to the commencement of development, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved parking, loading and turning areas shall be provided prior to the commencement of development and shall be retained as such for the duration of the works hereby approved.
- 10) Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority which show the location of the proposed site compound and lorry routing to the site from Front Road. The site compound and lorry routing shall be implemented in accordance with the approved details prior to the commencement of development, and shall be retained as such for the duration of the works hereby approved.

- 11) Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the commencement of development and shall be retained as such for the duration of the works hereby approved and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.
- 12) Prior to the commencement of development a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved by the Local Planning Authority. The investigation report shall be conducted and presented in accordance with the guidance in LCRM "Land and Contamination: Risk Management" (and CLR11 "Model Procedures for the Management of Contaminated Land" where relevant) published by the Environment Agency. The scheme shall include all of the following measures:
 - i) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority.
 - ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - a. A desk-top study has been completed, satisfying the requirements of paragraph (i) above.
 - b. The requirements of the Local Planning Authority for site investigations have been fully established, and
 - c. The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
 - iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

The measures approved in the scheme to deal with contamination of land and/or groundwater shall be implemented prior to the commencement of development.

- 13) Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - i) A specification and written timetable of archaeological field evaluation works; and

- ii) a specification and written timetable of further archaeological investigation, recording and reporting, determined by the results of the evaluation.

The approved details shall be implemented prior to the commencement of development.

- 14) Prior to the commencement of development details demonstrating that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change and critical 100-year storm can be accommodated within the proposed development layout shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwelling hereby approved.
- 15) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 - i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The development shall be implemented in accordance with the approved details prior to the occupation of any dwelling hereby approved.

- 16) Prior to the commencement of development a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 17) Prior to the occupation of any dwelling hereby approved, a final Travel Plan, to substantively accord with the Travel Plan (Report ref. 1682/3/D) by Ashley Helme Associates, and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.
- 18) Prior to the occupation of any dwelling hereby approved a scheme of upgrades for the two existing bus stops closest to the site on Front Road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwelling hereby approved.
- 19) Prior to the occupation of any dwelling hereby approved a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain sufficient information and evidence

(including photographs), as necessary, of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

- 20) Prior to the occupation of each new dwelling hereby approved with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point which shall be provided to Mode 3 7Kw standard with SMART enabling wifi connections. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.
- 21) Prior to the implementation of any lighting, a lighting design strategy, including biodiversity shall be submitted to and approved in writing by the LPA. The strategy shall:
- i) Identify those areas / features on site that are particularly sensitive for bats and barn owls and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
 - ii) 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 territory or having access to their breeding sites and resting places
 - iii) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

All external lighting shall be installed maintained and operated in accordance with the approved details.

- 22) Prior to the commencement of the use of any infiltration to manage the surface water from the development hereby permitted, detail of the resultant risk to controlled waters and/or ground stability, and detail of the parts of the site where infiltration is to be used to manage the surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 23) No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.

DOCUMENTS

2a Bus Stops and Timetable

APPEARANCES

FOR THE APPELLANT:

Christian Hawley, counsel, instructed by Gladman Developments Limited
Stuart Carvel MTCP (Hons) MRTPI, Planning Director, Gladman Developments Limited

Richard Naylor MTCP (Hons) MRTPI, Senior Planner, Gladman Developments, Limited

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Karen Fossett

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INTERESTED PARTIES:

Mr Stafford

Cllr Malloy

Cllr Nash