



Appeal Decision

Hearing Held on 16 April 2024

Site visit made on 16 April 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/C1625/W/23/3334418

Land at Cloverlea Barn, Wickwar Road, Kingswood

- 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 planning permission.
 - The appeal is made by Persimmon Homes against Stroud District Council.
 - The application Ref S.20/0887/FUL, is dated 23 April 2020.
 - The development proposed is residential development of 54 dwellings with supporting infrastructure and enabling works including: new vehicular access of Wickwar Road (including the demolition of 24 Wickwar Road), public open space, landscaping and drainage infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 54 dwellings with supporting infrastructure and enabling works including: new vehicular access of Wickwar Road (including the demolition of 24 Wickwar Road), public open space, landscaping and drainage infrastructure at Land at Cloverlea Barn, Wickwar Road, Kingswood, in accordance with the terms of the application, Ref S.20/0887/FUL, dated 23 April 2020, subject to the conditions in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it on the basis of the loss of priority habitat, and absence of justification and appropriate mitigation for such. I refer to this as the biodiversity effects.
4. A signed Statement of Common Ground (SoCG) was submitted. This details that, subject to conditions where necessary, the parties are not in dispute about matters such as the principle of development, design and layout, other ecological aspects, effects on highways or other technical considerations. The sole issue in dispute between the main parties is the matter of the biodiversity effects.

5. A draft S106 was submitted at the hearing to provide for 30% affordable housing, on site public open space and contributions towards libraries and secondary school places. A finalised S106 was completed and submitted on 14 May 2024. I address this further below.

Main Issue

6. The main issue is the effects of the proposal on the biodiversity value of the site and wider area.

Reasons

7. The site is an irregularly shaped parcel of gently sloping pastureland extending to around 1.95 hectares in area, situated to the south-western edge of Kingswood. The site includes No 24 Wickwar Road and some outbuildings belonging to Cloverlea Barn, all of which are to be demolished.
8. The proposal is to demolish No 24 Wickwar Road and provide an access junction off the B4060 (Wickwar Road), the houses would be constructed on the site which extends behind the properties fronting Wickwar Road. There would be a net increase of 53 dwellings, an area of public open space including an attenuation pond, and a secondary access for pedestrians in the vicinity of Cloverlea Barn.
9. Though the site is not designated for any natural environment reasons, it has been the subject of regular ecology surveys between 2016 and 2023. Over this period the management of the site has reduced and it has become more species rich. Consequently, the parties agree that the site currently includes around 1.1 hectares of 'lowland meadow' habitat which is considered to be in 'good' condition. This is a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act (2006) and has a very high distinctiveness under the Biodiversity Metric, introduced by the Environment Act 2021. The need to address any losses of valuable habitat types is additional to the requirement to achieve at least a 10% gain in biodiversity, referred to as biodiversity net gain (BNG).
10. A Mitigation Hierarchy Review¹ was submitted by the appellant to address the requirement under the National Planning Policy Framework (the Framework) and emerging policies ES6 and PS38 of the emerging Stroud Local Plan Review (eSLPR). At the hearing it was conceded by the Council that the Mitigation Hierarchy Review satisfactorily justified the inevitable loss of habitat and need to consider compensatory measures. This is because there is an inability to completely avoid or meaningfully mitigate (i.e., minimise) such a loss from the site given its size and the desire to achieve an approximate yield of 50 dwellings under the proposed eSLPR allocation Policy PS38 without harmfully fragmenting them or putting them at risk of future recreational pressures if retained.
11. Prior to the publication of the Statutory Biodiversity Metric (BNG metric) and it coming into force on 12 February 2024 for major developments, earlier versions of the BNG metric were used as a basis for negotiation of the amount and means of compensation. However, none of the earlier versions included the lowland meadow habitat type to allow for the baseline or compensatory habitat unit numbers to be precisely specified. The use of a slightly less distinctive

¹ Dated June 2023

habitat within the BNG metric as a proxy for lowland meadow was used a discussion starting point throughout the processing of the appeal application. The appellant submitted a Rebuttal to the Council's Statement² around a month before the hearing which, amongst other things, responded to the changed circumstances following the release of the Statutory BNG Metric which does include lowland meadow habitat. Despite the acceptance of the Rebuttal, agreement had not been achieved between the precise metric and value by the time of the hearing.

12. At the hearing it was agreed that the parties further considered the precise metric and means of securing the compensation and BNG by way of condition. The agreed condition was put forward following the hearing and details that a scheme requiring the provision of 33.94 Lowland Meadow Grassland habitat units shall be provided prior to any commencement of development. This would secure a biodiversity gain of more than 10%. The area within which the units shall be provided is listed in order of preference in the condition, i.e.: the local authority area, Gloucestershire Nature Recovery Network area and National Character Area.
13. Therefore, subject to the imposition of the agreed condition securing the necessary compensation and BNG, the proposal complies with Policies CP14 and ES6 of the adopted Stroud District Local Plan (Local Plan) (2015), Policy E1 of the Kingswood Neighbourhood Development Plan (NDP) (2017) and draft Policies ES6, CP14 and PS38 of the eSLPR. These Policies collectively seek to ensure that development demonstrates that the mitigation hierarchy has been followed sequentially with the aim of providing an overall improvement in local biodiversity and/or geodiversity. For similar reasons, the proposal accords with the provisions of the Framework.

Other Matters

14. I have considered the views of interested parties in connection with the proposal. On the issue of the principle of development, whether houses are needed and on whether the proposal has been submitted prematurely given the currently stalled examination in public (EiP) of the eSLPR which seeks to allocate the site for 50 dwellings, the Council and appellant agree that this is not a matter in dispute. I have noted that EiP hearing sessions have been held on the draft allocation Policy (PS38) and the participation of the Parish Council in the same. Whilst the Council acknowledge the conflict with the current development plan, the weight it attributes to the eSLPR and the scheme's benefits as other considerations, are considered to outweigh such conflicts. In my view, the direction of travel to allocate the site as the preferred site in Kingswood to accommodate a development of c. 50 dwellings, is clear and does not lead me to an alternative conclusion despite the agreement that the Council can currently identify an adequate supply of housing land.
15. On the issue of whether the 32 dwelling scheme recently permitted in Kingswood detracts from the need for houses in Kingswood specifically, limited detail has been provided in this regard. The Council did not raise this as a change in circumstance and there is a provision for windfall developments in all housing targets which such a scheme would no doubt contribute towards.

² March 2024

16. In relation to the effects on infrastructure, this has not been raised as an issue by the Council and I have no reason to reach an alternative finding. The scheme would also provide its own internal area of public open space to minimise pressures on existing areas of such.
17. Though I note that residents have raised the concern about the lack of public transport to serve Kingswood, the parties agree that the village is a sustainable location for around the quantum of development proposed, in view of the emerging allocation. Given the range of facilities available locally, distances to nearby towns and scale of the proposal, I do not consider that the limited public transport provision would constitute a reason for refusal.
18. On the other hand, the proposal would mitigate the pressures on the demand for secondary school places and public libraries by paying a financial contribution towards such through the S106, as requested by the County Council. These matters are covered further below.
19. A number of concerns were raised in connection with the, at times, boggy condition of the site and existence of a storm drain and various other water-related features. The scheme has been the subject of various assessments and a provisional surface water drainage scheme has been devised. The final version which would be implemented would be the subject of a planning condition, to ensure no greater flood risks were generated by the proposal, including the necessary allowances for climate change.
20. In respect of pedestrian safety, a Pedestrian and Cycling Environment Review Report has been submitted and minor improvements necessary would be secured by way of planning condition. A pedestrian link would be made in the vicinity of Cloverlea Barn, and footways would be provided across the site's frontage to tie in with the existing extent of footway along Wickwar Road. Any issue of ownership or right of access related to the surfacing of the pedestrian linkage would be a civil matter.
21. The safety of the proposed priority junction with Wickwar Road has been considered by the County Council in its capacity as Highway Authority and concludes the effects on the existing road network are acceptable. The comments in respect of the internal road layout and parking are detailed and minor, but do not represent a reason for refusal of the scheme overall.
22. I note that the local residents have a concern about the congestion in the village relating to the school traffic accessing the village centre or passing through to reach Katharine Lady Berkeley's School. However, school-related traffic is a common occurrence and the development itself is unlikely to materially exacerbate this existing problem or create any new safety hazards as any new pupils generated by the development would be within walking distance of both schools. I also return to the fact that the Highway's Authority did not raise any issues of safety or highway capacity in response to the appeal application and consequently, find no reason to reach an alternative view.
23. A number of objections raise issues of overlooking of properties in Wickwar Road that back onto the site, a number of which have gardens exposed to the site that currently enjoy an open outlook over the site. As part of the hearing discussions, the need for an obscure glazing condition was raised and this was subsequently provided by the main parties to afford the necessary protection

for neighbours. The imposition of this conditions would ensure that there were no direct overlooking of existing neighbouring occupiers.

24. In a couple of instances, there would be relatively close back to flank wall arrangements, but these are within the distances considered acceptable by agreement with the Council. I have given these aspects further consideration and on balance, consider that there would be changes in outlook for the affected properties but not to the extent that such would be considered overbearing.
25. I have considered the objection to the loss of the habitats and the use of the site by various species including deer and birds. Though I appreciate that there would be some change, the retention of the hedgerows and trees and imposition of conditions would ensure an overall benefit across an appropriate geographical context relative to the site.

Planning Balance

26. The biodiversity effects of the proposal are capable of being resolved by way of planning condition. Whilst the main parties agree for all other aspects of the development being acceptable, I have considered the proposal in accordance with the current and emerging development plan.
27. The delivery of 54 dwellings would add a substantial boost to the local housing stock in a sustainable location. It would also generate both short-term construction phase economic benefits and longer term economic and social benefits through the occupation of the dwelling by new residents. No environmental or other harm would arise that could not be prevented or adequately mitigated by way of planning conditions or S106 that indicates that permission should be withheld.
28. Consequently, the benefits of the scheme form a consideration of such materiality that it indicates that planning permission should be granted other than in strict accordance with the development plan.

Planning conditions and S106

Conditions

29. I have considered the suggested conditions in light of the tests in the Framework and Planning Practice Guidance. I have made minor amendments and sought approval before imposing any pre-commencement conditions as necessary.
30. In addition to the statutory time limit, a condition is necessary specifying the approved plans in the interests of certainty. In order to achieve a satisfactory quality of development, it is necessary to impose conditions relating to external materials and landscaping.
31. To protect the environmental quality and avoid flood risks, it is necessary to impose conditions seeking details of the surface water drainage scheme and related management measures. Similarly in relation to environmental protection and human health, it is necessary to impose a condition seeking details of a contamination scheme and remediation if necessary.

32. To minimise the disruption of the construction phase to the amenities of neighbouring occupiers, a condition seeking a construction management plan is necessary.
33. In the interests of highway safety and efficiency, it is necessary to condition the provision of the parking spaces for vehicles and cycles, details of the access junction and pedestrian connection to and enhancements on Wickwar Road.
34. In the interests of biodiversity protection and enhancement, it is necessary to secure the provision of a Construction Environmental Management Plan and separate Landscape and Ecological Management Plan. Other biodiversity conditions are necessary, including the prohibition of external lighting unless details are provided otherwise, details of the respective licenses and works to protect Great Crested Newts, and the related condition to mitigate against the loss of the Lowland Meadow habitat and secure the necessary minimum BNG enhancements as detailed above.

Planning obligation

35. I have considered the final planning obligation in accordance with the guidance in the Framework, the Planning Practice Guidance and in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations), as amended (Regulation 122). The planning obligations must be relevant, necessary and proportionate in scale and kind to the development.
36. Policy CP9 OF the Local Plan sets out the requirement for schemes to provide 30% affordable housing. The S106 provides for 16 dwellings of 54 which meets with the policy expectations and would provide for either affordable rented or shared ownership units, with relevant eligibility criteria relating to the same. This obligation is necessary to make the development acceptable in planning terms.
37. The submitted CIL Statement sets out that the secondary infrastructure contribution sought would be to cover the additional demand from the development for places at either the Katharine Lady Berkeley's School and/or secondary schools in the West Stroud Secondary Planning Area. The contribution is based on an up to date formula based on a pupil yield of 9.18 pupils. I consider that this is a necessary and proportionate contribution and thus meets the test set out in Regulation 122 of the CIL Regulations.
38. The requirement for a library contribution is also set out in the CIL Statement and sets out the calculation based on £196 per dwelling, thus in this case, 54 dwellings and a total contribution amount of £10,584.00. The contribution would be spent on Wotton Under Edge library towards improvements to library provision to mitigate the impact of increasing numbers of library users arising from this development. I consider that this contribution is also necessary and proportionate relative to the development proposed, thus meets the test set out in Regulation 122 of the CIL Regulations.
39. The S106 also provides for an area of on-site public open space and requirements for its management and maintenance. The requirements to provide such arise from Local Plan Policy ES15 and are therefore directly connected with the development and proportionate to the same in scale and kind.

Conclusion

40. For the foregoing reasons and taking all other matters into account, the appeal is allowed.

H Nicholls

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Mr Charles Banner	Kings Counsel
Mr Tom Clarkson	Clarkson & Woods Ecological Consultants
Mr James Millard	Blue Fox Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Chaplin	Stroud District Council
Ms Esther Collis	Stroud District Council

INTERESTED PARTIES:

Mr Paul McClung	Local resident
Mr Keith Holton	Local resident
Mr Terence Henshaw	Local resident
Ms Prue Vernon	CPRE
Dr Patricia Broadfoot	CPRE
Ms Mary Leonard	Clerk to Kingswood Parish Council

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Draft S106 planning obligation
Document 2	Written cost application from appellant
Document 3	Email of 18 March to Council

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 4	Agreed updated conditions
Document 5	S106 CIL statement
Document 6	Cover email accepting pre-commencement conditions
Document 7	Costs response from Council
Document 8	Final S106

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Tree Survey BS 5837 Schedule D35 20 02/03/2020
 - Tree Protection Plan D35 20 P4 Rev A
 - Affordable Key Homes Plan 107_104 Rev F
 - On-Plot Planting DWG-1349-02 Rev A
 - Proposed Drainage Strategy Rev K Apr 23
 - Fences & Enclosures Detail Sheet 107_115
 - Garages 107_140.1
 - Location Plan 107_101 Rev C
 - Materials Key Plan 107_102 Rev C
 - Alnmouth Plans & Elevations 107_120.2
 - Alnmouth Plans & Elevations 107_120.1
 - Charnwood Plans & Elevations 107_123.3
 - Charnwood Plans & Elevations 107_123.2
 - Charnwood Plans & Elevations 107_123.1
 - Danbury Corner Plans & Elevations 107_121.2
 - Danbury Plans & Elevations 107_121.3
 - Danbury Plans & Elevations 107_121.1
 - Gisburn Plans & Elevations 107_124.2
 - Gisburn Plans & Elevations 107_124.1
 - Sherwood Plans & Elevations 107_122.2
 - Sherwood Plans & Elevations 107_122.1
 - Whiteleaf Plans & Elevations 107_125.1
 - 4A Plans & Elevations 107_132.1
 - 3A Plans & Elevations 107_131.1
 - 2A Plans & Elevations 107_130.2
 - 2A Plans & Elevations 107_130.1
 - Whiteleaf Plans & Elevations 107_125.1 V1
 - Public Realm Planting DWG-1349-01 Rev A
 - Revised Layout 107_100 Rev A2
 - Site SW Drainage System For Planning - Replan Adj for Volumetric Control 2023-April 11
 - Storey Heights Key Plan 107_103 Rev C
 - Swept Path Analysis of an Estate Car in Communal Parking Area 2002-004_SP04 Rev D
 - Swept Path Analysis of a Fire Appliance 2002-004_SP03 Rev D
 - Swept Path Analysis of a Refuse Vehicle Passing Parked Cars 2002-004_SP05 Rev C
 - Swept Path Analysis of a Refuse Vehicle 2002-004_SP01 Rev F

- Swept Path Analysis of a Supermarket Delivery Vehicle 2002-004_SP02 Rev D
 - Site Junction Visibility Splays, Forward Visibility and Pedestrian Visibility, Road/Footway Widths 2002-004_SK01 Rev F
- 3) No works shall take place on the external surfaces of the building(s) hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.
 - 4) All planting, seeding or turfing comprised in the approval details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is sooner. Any trees or plants which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
 - 5) The development shall be undertaken in accordance with the Tree Protection Plan ref: 35 20 P4 Rev A (JP Associates) and all tree and root protection measures outline shall be implemented strictly in accordance with the approved details.
 - 6) No building works hereby permitted shall be commenced until detailed plans for surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The information submitted shall be in accordance with the principles set out in the approved drainage strategy. The submitted details shall:
 - Provide information about the design storm period and intensity,
 - The method employed to delay and control the surface water discharged from the site and,
 - The measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - Include a timetable for its implementation.
 - 7) Prior to the occupation of any building surface water drainage works shall have been implemented in accordance with details that have been approved by the Local Planning Authority. Implementation will include the provision of a management and maintenance strategy which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme.
 - 8) The development hereby permitted shall not begin until a scheme to deal with ground contamination, controlled waters and/or ground gas has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
 - I. A Phase I site investigation carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175:2011 +

A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice.

- II. If identified as required by the above approved Phase 1 site investigation report, a Phase 2 intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice. Where required, the report shall include a detailed quantitative human health and environmental risk assessment.
 - III. If identified as required by the above approved Phase 2 intrusive investigation report, a remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end-point of the remediation should be stated, such as site contaminant levels or a risk management action, as well as how this will be validated. Any ongoing monitoring should also be outlined.

No part of the development hereby permitted shall be occupied until:
 - IV. Any previously unidentified contamination encountered during the works has been fully assessed and an appropriate remediation scheme submitted to and approved the Local Planning Authority.
 - V. A verification report detailing the remediation works undertaken and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology has been submitted to, and approved by, the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
- i. The parking of vehicles of site operatives and visitors;
 - ii. The unloading and loading of materials;
 - iii. The storage of plant and materials used in constructing the development;
 - iv. Method of preventing mud and dust being carried onto the highway including Wheel washing facilities;
 - v. Measures to control the emission of dust and fine particulates during construction;
 - vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii. Details of the site access/routeing strategy/signage during the construction period
 - viii. Details of how it is intended to utilise 'best practicable means' to minimise noise and vibration levels;
 - ix. A commitment to prohibit bonfires on the site during the development construction hours;

- x. A scheme to demonstrate how it is intended to liaise with local residents during the construction process, including how complaints will be handled.
 - xi. Highway Condition survey.
 - xii. Arrangements for turning vehicles;
 - xiii. Arrangements to receive abnormal loads or unusually large vehicles;
- 10) The development hereby approved shall not be occupied until the access, parking and turning facilities for that individual dwelling to the nearest public highway has been provided as shown on the approved layout plan.
- 11) Before the access onto Wickwar Road hereby permitted is brought into use, visibility splay lines shall be provided in accordance with the approved plans with the area in advance of the splay lines so defined cleared of all obstructions to visibility and maintained as such thereafter.
- 12) The dwellings within Plots 12-30 as shown on the approved layout plan (Drg No 100 Rev A2) hereby approved shall not be occupied until the pedestrian connection onto Wickwar Road shared with Cloverlea Barn has been provided in accordance with approved plans, and thereafter the approved pedestrian route shall be kept and maintained.
- 13) No individual dwelling within the development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided to that dwelling in accordance with details that have been submitted to and approved by the Local Planning Authority. Thereafter the approved cycle parking shall be kept and available for the parking of bicycles only.
- 14) Prior to 1st occupation of the dwellings hereby approved a scheme for offsite pedestrian improvement that accords with the recommendations of the Pedestrian and Cycling Environment Review Audit Report (TPA) shall be submitted to and approved by the Local Planning Authority. The improvement shall be implemented prior to the first occupation of the dwellings hereby approved.
- 15) No works shall take place (including ground works, vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The locations and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecological or environmental professionals need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person.
- h) Details of the use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise approved by the Local Planning Authority.

- 16) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and be approved by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Measures that will be taken during construction to protect the hedgerow
- b) Landscape planting scheme, schedule and timetable of works
- c) Description and evaluation of the features to be managed
- d) Details of ecological enhancement features log piles/bird boxes
- e) Aims and objectives of management
- f) Appropriate management options for achieving aims and objectives
- g) Prescription for management actions
- h) Preparation of work schedule (including an annual work plan capable of being rolled forward over a five year period)
- i) Details of body or organisation responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.

The LEMP shall 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 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 approved plan shall be implemented in accordance with the approved details.

- 17) Prior to the installation of any external lighting on site, a detailed lighting scheme shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include full details as to the location, design, hours of illumination and lux of all external lighting including security lighting. The submitted scheme shall also address any ecological implications of the proposed lighting by identify the areas/features on site that are particularly sensitive for foraging bats and clearly demonstrate the areas to be lit through the provision of appropriate lighting contour plans and technical specifications so as to not disturb or prevent the above species using their commuter route.

No other external lighting of any description shall be erected on the site unless in accordance with the approved lighting scheme.

- 18) No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR138, or a 'Further Licence') and with the proposals detailed on

plan "Land at Cloverlea Barn: Impact Plan for great crested newt district licensing (Version 2)", dated 25th April 2024.

- 19) No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR138, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.
- 20) No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR138, or a 'Further Licence') and in addition in compliance with the following:
- works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 21) No development shall take place until a bespoke offsite ecological compensation package that achieves no less than 33.94 Lowland Meadow Grassland habitat units has been submitted to and approved by the Local Planning Authority.

The bespoke compensation package shall include:

- i. Identification of a receptor site/s within the LPA area, Gloucestershire Nature Recovery Network area or National Character Area
- ii. Details of the compensation requirements evidenced by the agreed statutory biodiversity metric (Jan 2024) baseline calculation
- iii. A management and monitoring plan, to include for the provision and maintenance of the compensation measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - a. Description of all habitat(s) to be created/restored/enhanced within the scheme including expected management condition and total area;
 - b. Review of Ecological constraints;
 - c. Current soil conditions of any areas designated for habitat creation and where required detailing of what conditioning must occur to the soil as part of the compensation measures prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);

- d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of the proposed works;
- e. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
- f. Identification of persons responsible for implementing the works;
- g. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA at year 1, 2, 5, 10, 15, 20, 25 and 30.
- h. The inclusion of an appropriate feedback mechanism to the LPA, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsite compensation measures shall be executed prior to written approval by the Local Planning Authority. The bespoke compensation package shall thereafter be implemented in accordance with the requirements of the approved scheme.

- 22) Prior to the first occupation of plots 2 and 23, the first floor windows within the north (side) elevations shall be obscure glazed to a minimum of Pilkington level 3 and shall be maintained as such thereafter.

----- END OF SCHEDULE ----