



Appeal Decision

Inquiry held on 6 August 2024

Site visit made on 6 August 2024

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2024

Appeal Ref: APP/R4408/W/24/3341097

Land north of Shaw Lane, Carlton, Barnsley, S71 3HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Network Space Developments Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2022/0115.
 - The development proposed is outline planning application for up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage with details of a new vehicular access onto Shaw Lane. All other matters reserved apart from means of access.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage with details of a new vehicular access onto Shaw Lane on land north of Shaw Lane, Carlton, Barnsley, S71 3HJ in accordance with the terms of the application, Ref 2022/0115, subject to the conditions in the attached schedule.

Preliminary Matters

2. On Friday 2nd August 2024 the Council confirmed in writing that on reviewing the updated evidence supplied for the appeal, they considered that the planning balance had materially altered and the reasons for refusal had now been overcome. The Council therefore no longer objects to the granting of planning permission. This was subject to planning conditions and a Section 106 agreement.
3. The Council's reasons for refusal related to the matters set out in my main issues below as well as in relation to historic heritage, drainage and ecology. I am mindful however that there are a number of ongoing objections from local residents and organisations. I shall have regard to their concerns in reaching my decision.
4. The Section 106 agreement would provide commuted sums in relation to sustainable travel, off-site formal recreation, primary and secondary education, Site of Special Scientific Interest (SSSI) mitigation and a contribution to the Northern Access Road (NAR). In addition, it would secure 10% affordable housing of which 2.5% would be First Homes. I shall return to this matter again later in my decision.

5. It is agreed between the main parties that the Council do not have a 5 year housing land supply. Whilst they do not agree what the current supply is they do both agree that the under provision should be given substantial weight. The lack of a 5 year supply of deliverable housing land means that there is a presumption in favour of sustainable development.

Main Issues

6. The main issues are:
- i) whether the proposal would accord with the Carlton Masterplan Framework and Delivery Strategy, including in relation to housing density; and
 - ii) the effect of the proposal on highway safety and whether the development would be designed to encourage sustainable modes of transport.

Policy Background

7. The site is located within a larger area allocated in the adopted Barnsley Local Plan 2019 (LP) under Policy MU3 for mixed use for housing and green space. The policy refers to the production of a phased Masterplan Framework covering the entire site to ensure that development is brought forward in a comprehensive manner.
8. Policy MU3 allows for the provision of 1,683 dwellings across the whole site, of which the appeal site is part. As such the principle of residential development on this site has already been found to be acceptable as part of the local plan examination process.
9. The Carlton Masterplan Framework was adopted by the Council in November 2021 alongside a delivery strategy. These cover site allocations MU3 and MU2, another mixed use site allocation on the opposite side of Fish Dam Lane. Neither are supplementary planning documents, and the latter was not subject to public consultation.
10. Nevertheless, both are material considerations in the determination of this appeal. The delivery strategy places the appeal site, which is known as L11 in the Masterplan Framework, in phase 3. The Masterplan Framework identifies that the delivery of certain phases may be dependent on the availability of infrastructure networks.

Reasons

Whether the proposal would accord with the Carlton Masterplan Framework and Delivery Strategy, including in relation to housing density

11. The Masterplan sets out a Framework for the delivery of the allocation. The proposal would comply with most of the principles, with the main deviations being in relation to the provision of a small local shop and housing density. The proposal would not facilitate the creation of a shop to the north of Shaw Lane, but equally it would not prevent a shop being provided within the wider allocation at some point in the future. This would make better sense once there are more houses and therefore more potential customers.

12. Turning to the matter of housing density, the appeal proposals show a density of 33.4 dwellings per hectare (dph) which is 1.6dph below the minimum of 35 dph set out in the Masterplan. This reduction is negligible, and it does not prevent higher densities being achieved on other parts of the wider allocation. In addition, this density has been reached following consideration of the detailed nature of the developable area of the site and the local character and appearance.
13. The Delivery Strategy advises that the development of this site and the adjacent one (L12) should come forward as the third phase of development of site allocations MU2 and MU3. The reason for this is because of congestion on the existing highway network, access needs to be served off Royston Lane via the NAR. However, the appellant has designed the appeal scheme in such a way that the Council are content that the proposal has been designed to overcome this issue in the short term and that the scheme would not prevent the NAR coming forward in the future. I shall deal with this in more detail below.
14. Overall, whilst the proposal would not strictly adhere to the Masterplan and the Delivery Strategy, the deviations would be limited and of a minor nature and not result in any overall harm. Whilst the Masterplan and Delivery Strategy are important material considerations, they should not be used in a way that is so restrictive it would prevent a policy compliant scheme coming forward. A balanced approach must be taken. Overall, I find that the proposal would be acceptable in this regard.

The effect of the proposal on highway safety and whether the development would be designed to encourage sustainable modes of transport

15. The planning application was accompanied by a detailed Transport Assessment and various supporting documents. Additional illustrative drawings and other helpful information has been submitted as part of the appeal such that the Council have withdrawn their objection to the scheme on highway grounds.
16. Mitigation measures are proposed at the Shaw Lane/Church Lane junction as this is the only part of the study area that showed the development would have a significant effect, without improvements. The mitigation would take the form of an upgrade to the junction by introducing traffic lights. The transport assessment work shows that with the proposed traffic lights, this junction would operate safely and well within the capacity of the development. This work is intended to enable this part of the allocation to be development without a link through to Royston Road, from Shaw Lane.
17. The intended link road set out in the Masterplan is known as the Northern Access Road (NAR) and once built it is intended that it would reduce the amount of traffic from the allocated site using Shaw Lane and instead take it north to Royston Road. The spine road through the appeal site has been designed to a standard that the Council's highway engineers are contend with as the first leg of the NAR. This is combined with a commuted sum towards future works that are necessary, in conjunction with the NAR carrying on through the adjacent site L12 when it is developed.
18. The main parties have worked together in a collaborative manner to secure a package of highway improvements that would allow this important part of the

allocation to proceed in a timely, but safe manner until such time site L12 comes forward, and the complete construction of the NAR is possible.

19. The proposals also include a scheme to improve pedestrian facilities along Shaw Lane which would include some widening of existing footways in places, the provision of a new toucan crossing on Shaw Lane, near the appeal site access point, and the provision of a new crossing point to access the canal towpath (Trans Pennine Trail).
20. In addition, the connection of the appeal site boundary to site L12 would permit the future formation of a direct connection from the appeal site to the Trans Pennine Trail/Canal towpath in due course. This would be of benefit to all users, include horse riders. Consequently, the proposal would accord with LP policy T3 in so far as it expects new development to be located to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists and policy T4 in so far as it seeks to ensure new development is designed to provide safe, secure and convenient access and movement and where mitigation is necessary this is dealt with through a financial contribution.

Other Matters

Historic Heritage

21. The Council's sixth reason for refusal relates to historic heritage and in particular the effect of highway improvement works on the setting of Carlton Conservation Area. The appellant has submitted a heritage impact assessment, and it is now agreed between the main parties that the proposal would conserve the setting of the conservation area, subject to the imposition of a planning condition to control the design of the highway improvement works and I agree. As such, the proposal would accord with LP policy D1 which seeks to ensure that development proposals respect heritage and townscape character and HE1 which among other things, supports proposals which conserve and enhance the significance and setting of heritage assets in the Borough.

Ecology

22. The Council's fourth reason for refusal relates to ecology and a lack of evidence to allow for the understanding of the potential effect of the proposed development on the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI). During the appeal process the appellant submitted an updated suite of ecological surveys. These confirm that the appeal site is of low ecological interest and neither the pond within the site nor other habitats support protected species.
23. The development would provide more than 10% biodiversity net gains, which could be secured by a planning condition. It is also proposed to create an extensive area of scrub woodland to the west of the development and along the frontage with Shaw Lane and it is agreed between the main parties that this would offer good foraging habitat for species such as Willow Tit (a feature of the SSSI), following completion of the development.
24. The appellant's survey work finds that the proposal would not pose any risk to the SSSI, but as a precautionary approach a mitigation contribution of £40,950 has been agreed, which would be secured by the submitted Section 106

agreement. This would be used to provide multi-use dog bins for 10 years, 'no cycling' signs, 'dogs on leads' signs and around 620m of fencing, at the Dearne Valley Wetlands SSSI.

25. I note that Natural England have confirmed that they no longer have any objections to the scheme subject to mitigation in the form of a Construction Environmental Plan (CEMP) which could be secured through a planning condition. As set out above the Council have withdrawn their objection to the proposal on ecological grounds. I agree that subject to the relevant provisions of the Section 106 agreement and planning conditions, including one to secure a Construction Environmental Management Plan relating to biodiversity and another to require the submission of a Habitat Management and Monitoring Plan the proposal would not result in harm to the SSSI. Consequently, the proposal would accord with LP policy BIO1 in so far as it expects development to conserve and enhance the biodiversity of the Borough by protecting and improving habitats, species, sites of ecological value with regard to designated wildlife sites of international, national and local significance.

Drainage

26. The Council's third reason for refusal relates to surface and foul water drainage proposals for the development and the wider allocation. This matter has now been resolved and the Council are satisfied that these matters can be dealt with by planning conditions if the appeal were to be allowed and I agree. The proposal would therefore accord with LP policies CC1 and CC3 in so far as they promote the use of Sustainable Drainage Systems and reducing flood risk.

Lack of services

27. Several local residents have expressed concern about the lack of local services and the pressure that public services are under already. As set out above the Section 106 agreement would secure contributions towards off-site formal recreation space and primary and secondary education. Service provision will also have been considered as part of the consideration of the allocation at the local plan stage and in the Masterplanning of the wider site allocation. I am satisfied that the service provision to meet the demands of the increase in residents from the proposed development would be acceptable.
28. I understand that the bus stop on Shaw Lane is no longer in use and so existing residents and those from the proposed site would have to walk to Church Lane to catch a bus. This distance is walkable but not ideal and would be likely to result in those people with a car finding driving more convenient. However, once the NAR is complete it is proposed that this would contain bus stops and a bus would travel through the site, linking Royston Road and Shaw Lane. Therefore, this is a short term issue that is not a reason to prevent this part of the wider allocation coming forward.

Remaining matters

29. There are a number of matters raised by local residents that will have been fully considered as part of the local plan examination and Masterplanning process when the appeal site was allocated for development and these include the loss of fields used at present to grow crops, flood risk, increased noise and air pollution as a result of increased vehicular traffic in the area.

Section 106 agreement

30. The parties have completed a Section 106 Agreement which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
31. They relate to sustainable travel, off-site formal recreation, primary and secondary education, Site of Special Scientific Interest (SSSI) mitigation and a contribution to the Northern Access Road (NAR) as well as affordable housing provision. The committed sums secured by the Section 106 agreement are, so far as the public open space and the education contributions are concerned based on formulas and so would be dependent on the final dwelling numbers at the reserved matters stage. The affordable housing is policy compliant. Overall, I find that all of the obligations would be fairly and reasonably related to the development proposed and they pass the statutory tests.

Planning Balance

32. In terms of the Council's reasons for refusal I find that subject to the imposition of conditions and the provisions of the Section 106 agreement the proposal would accord with LP Policy MU3. There would be some very limited conflict with the Masterplan, namely in relation to the provision of a local shop and the density requirements. It would also conflict with the Delivery Strategy in that it would be likely to be built in advance of other phases, but this has been satisfactorily resolved.
33. However, there are no planning permissions for the remainder of the site allocation and permitting development to proceed on this site could provide the catalyst to other sites coming forward. This is particularly important given the Council's reliance on the site allocation to make a significant contribution to its housing land supply, including its 5 year housing land supply. As set out above both parties agree the Council's lack of a 5 year housing land supply carries substantial positive weight. There is no doubt in my mind that the small degree of conflict with the Masterplan and Delivery Strategy is far outweighed by the benefits of this scheme. I conclude that the proposal would accord with the development plan as a whole.

Conditions

34. I have imposed the standard time conditions and a condition to ensure the site is developed in accordance with the submitted red line plan.
35. Several conditions are necessary to ensure the site is accessed in a safe manner and that the traffic generated will not lead to highway safety issues. Development of the scale proposed here can cause damage to existing highways during the construction phase and so a condition is necessary to ensure that if this occurs the repair costs are borne by the developer. A number of conditions are required to ensure that the proposal encourages sustainable modes of transport.
36. To protect existing trees and landscaping and ensure future landscaping is satisfactory, conditions are necessary. Drainage conditions are required to ensure the foul and surface water drainage from the site is effective. To protect the living conditions of residents it is important to control working hours. For

environmental and highway safety reasons a Construction Method Statement is necessary.

37. To accord with Local Plan policies an on-site equipped play area must be provided as part of the development. A condition will ensure this happens in a satisfactory manner. I have made some minor grammatical changes to a few conditions, but they do not affect the substance of the conditions.

Overall Conclusion

38. For the reasons given above the appeal should be allowed.

Louise Crosby

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Sasha White KC & Anjoli Foster of Counsel, instructed by Mark Iveson of Gateley Legal

He called:

Richard Ellam B(Eng) C(Eng) MIHT of Pell Frischmann

Andrew Rose BA (Hons) MRTPI of Spawforths

FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell of Counsel, instructed by Barnsley Metropolitan Borough Council Solicitor

She did not call any witnesses.

INTERESTED PARTIES:

Mr and Mrs Tomalik - Local Residents

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Written opening on behalf of the Council
2. Written opening on behalf of the appellant
3. Amended schedule of conditions

DOCUMENT SUBMITTED AFTER THE INQUIRY

4. Signed and dated Section 106 agreement received by e-mail on 22 August 2024

Richborough

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with drawing no P3921-SPA -XX-ZZ-M2-A-10-001 Rev A.
- 4) Notwithstanding the details indicated on the submitted drawings no dwellings shall be occupied until a detailed scheme for implementation of the off-site highway improvement works for the Shaw Lane / Church Street / Fish Dam Lane junction has been submitted to and approved in writing by the Local Planning Authority . These works shall also include the potential relocation of bus stops on Shaw Lane approach to the junction and Fish Dam Lane exit from the junction and are to be subject to Road Safety Audits in accordance with DMRB GG119. These works shall be constructed and operational prior to first occupation of any dwellings.
- 5) Upon commencement of development a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway works:
 - i) Provision of site access;
 - ii) Provision of crossing facility on Shaw Lane;
 - iii) Provision of/any necessary alterations to street lighting;
 - iv) Provision of/any necessary alterations to highway drainage;
 - v) Measures to prevent/control parking/loading;
 - vi) Any necessary signing/lining;
 - vii) Any necessary reconstruction/resurfacing.

The works are to be subject to Road Safety Audits in accordance with DMRB GG119 and shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

- 6) No dwellings shall be occupied on site until the detailed design of off site highway improvements in the form of footway improvements along Shaw Lane between the site access and Church Street / Fish Dam Lane have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be subject to Road Safety Audits in accordance with DMRB GG119 constructed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

- 7) Visibility splays having the dimensions 2.4m x 160m shall be safeguarded at the junction of the site access and Shaw Lane such that there is no obstruction to visibility and forming part of the adopted highway.
- 8) Detailed plans shall accompany the reserved matters submission which also indicate existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
- 9) No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
- 10) Before any part of the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
- 11) Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Shaw Lane in accordance with details of a completion plan to be submitted and approved in writing by the Local Planning Authority.
- 12) Vehicular and pedestrian gradients within the site shall not exceed 1:12.
- 13) No building or use hereby permitted shall be occupied until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
- 14) Prior to the first occupation of the development hereby permitted, parking provision will be in accordance with the standards set out within Barnsley's Parking SPD. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
- 15) The gradient of individual vehicular accesses/driveways shall not exceed 1:12 as measured from the edge of adjacent carriageway.
- 16) No works above foundation level of dwellings shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

- 17) The driveway length in front of garage(s) shall be at least 6m (5.5m with the use of a roller shutter door) measured from the garage doors to the highway boundary.
- 18) No development shall take place until a survey of the condition of the adopted highway to be used by construction traffic has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Local Highways Authority prior to the survey being undertaken. The survey must consist of:
 - i) A plan to a scale of 1:1250 showing the location of all defects identified; and
 - ii) A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- 19) Within six months of first occupation a detailed Travel Plan comprising immediate, continuing and long-term measures together with monitoring and reporting of progress to promote and encourage sustainable and active travel shall be prepared, submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the measures and monitoring regime set out therein.
- 20) Upon commencement of development, details of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 21) Prior to occupation of the development hereby permitted, the details of the vehicular crossings over the footway to each dwelling shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. This shall include arrangements for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.
- 22) No works which affect trees shall be carried out until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
 - i) Arboricultural impact assessment;
 - ii) Tree protective barrier details;
 - iii) Tree protection plan; and
 - iv) Arboricultural method statement.
- 23) Full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees; together with details of

the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters approval.

- 24) No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme for that part has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- 25) Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Public Holidays.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.
The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction including confirmation of the type of water supply in place for construction (dust management plan);
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) measures to mitigate noise during demolition, earth movements and construction (noise management plan); and
 - ix) details of the siting of the sales cabin, and parking for staff and customers visiting the sales cabin.
- 27) All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and a document following completion of the whole development shall be submitted evidencing the implementation of the in-curtilage landscaping scheme. Any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 28) All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the

- landscaping shall be carried out in accordance with the approved details and timescales.
- 29) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any part thereof, for its permitted use. The approved landscape management plan shall thereafter be carried out in accordance with the approved plan.
- 30) Upon commencement of development full details of the Equipped Play Area, alongside management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
- 31) Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i) Risk assessment of potentially damaging construction activities, including any potential water quality impacts;
 - ii) Identification of 'biodiversity protection zones';
 - iii) An invasive non-native species protocol, where necessary;
 - iv) 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);
 - v) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - vi) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vii) The times during construction when specialist ecologists need to be present on site to oversee works;
 - viii) Details of pre-commencement surveys where necessary for protected species;
 - ix) Responsible persons and lines of communication; and,
 - x) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s).
- 32) Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, where necessary the following:

- i) Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - ii) A drawing showing dark corridors and buffer areas; and
 - iii) A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include:
 - a) Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - b) A description of the luminosity of lights and their light colour;
 - c) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
 - d) Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
 - e) Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.
- 33) Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement to include the provision of works and/or measures on the site which will secure the delivery of a net gain in biodiversity of at least 10% (supported by a BNG metric) shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented in accordance with the submitted timetable, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i) Description, design and specification of the type of works or measures to be undertaken;
 - ii) Details of materials and construction method to ensure long lifespan of the works or and/or measures to be undertaken; and
 - iii) Drawing(s) showing the location and where appropriate the elevation of the works and/or measures to be installed or undertaken.
- 34) A Habitat Management and Monitoring Plan (HMMP) completed by a qualified ecologist and detailing management to be carried out for a minimum period of 30 years from the date of implementation of the approved biodiversity enhancement scheme will be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The HMMP should follow the template HMMP provided by Natural England and include information on the following:
- a) Project information, funding and evidence of legal agreements securing the management and monitoring of the approved biodiversity enhancements;
 - b) Summary of Habitat Proposal and Plans, site boundary map, site context map;
 - c) Phasing Strategy – if relevant;
 - d) Roles & Responsibilities:
 - i) Land use summary, site context photographs, site baseline and environmental information checklist,

- ii) Management plan aims and objectives, design principles informed by baseline information;
 - e) Habitat and condition targets, habitat retention and protection measures map;
 - f) Creation, enhancement and management targets and prescriptions;
 - g) Risk register and remedial measures; and
 - h) Monitoring plan for reporting to the Council project progress in years 1, 3, 5, 10, 15, 20, and 30 from the date of implementation and adaptive management.
- 35) Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), habitat piles, hedgehog access and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i) Description, design or specification of the type of features or measures to be undertaken;
 - ii) Materials and construction to ensure long lifespan of the feature/measure; and
 - iii) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- 36) Prior to the implementation of the improvements to the junction of Shaw Lane, Fish Dam Lane and Church Street, details of these improvements shall be submitted to and agreed, in writing, by the Local Planning Authority. The improvements shall be designed in accordance with Historic England's 'Streets for All- Advice for Highway and Public Realm Works in Historic Places, 2018', where appropriate. These details shall include the following:
- i) Traffic signs and road markings – which shall be kept to a minimum, where road safety permits, and in accordance with the Traffic Signs Road markings General Directive (TSRGD);
 - ii) Single stage crossings;
 - iii) No pavement edge barriers – avoidance of the use of guard railing and other physical barriers, where possible;
 - iv) Controller - The traffic signal controller will be located at the back of the existing footway and in a suitable safe and convenient location and designed with raised relief panels to deter flyposting; and
 - v) Waiting restrictions and yellow road lining in conjunction with the junction alterations shall be 50mm in width with a 50mm gap in between and shall be painted primrose yellow only.

The approved scheme of works shall be subject to Road Safety Audits and constructed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

END OF CONDITIONS