



Appeal Decisions

Hearing held on 21 August 2024

Site visit made on 21 August 2024

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal A Ref: APP/G2245/W/24/3342128

Oasthouse Nursery, Ash Road, Ash, Sevenoaks, Kent, TN15 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Canham Homes (Kent) Limited against the decision of Sevenoaks District Council.
 - The application Ref is 22/03313/FUL.
 - The development proposed is clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House.
-

Appeal B Ref: APP/G2245/W/23/3331236

Oast House Nursery, Ash Road, Ash, Sevenoaks, Kent, TN15 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Canham Homes (Kent) Limited against the decision of Sevenoaks District Council.
 - The application Ref is 23/03139/FUL.
 - The development proposed is clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing.
-

Decisions

1. Appeal A is allowed and planning permission is granted for clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House at Oast House Nursery, Ash Road, Ash, TN15 7HJ in accordance with the terms of the application, Ref 22/03313/FUL, subject to the conditions in the attached schedule.
2. Appeal B appeal is allowed and planning permission is granted for clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing, at Oasthouse Nursery, Ash Road, Ash, TN15 7HJ in accordance with the terms of the application, Ref 23/03139/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. A signed planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) (S106) (dated 22.04.2024) was submitted with Appeal A. A related deed of variation was also completed and submitted on the day of the hearing. A draft S106 relating to Appeal B was discussed during the hearing and was confirmed as being sufficient to avoid the need for the Council to defend reasons for refusal (RfR) 2 and 3. The completed S106 relating to Appeal B, dated 4 September 2024, was received on the same date. I return to these below.
4. A consultation on a revised version of the National Planning Policy Framework (the Framework) commenced on the 30 July 2024. The parties were invited to comment on any proposed changes to the Framework of relevance to the appeals during the hearing. Other than where specified, I have referred to the extant version of the Framework from December 2023 in reaching my decision.
5. I have taken the descriptions of development from the respective decision notices.

Main Issues

6. The main issues in these appeals are:
 - whether the proposals would be inappropriate development in the Green Belt having regard to the development plan and the Framework;
 - the effect of the proposals on the openness of the Green Belt; and,
 - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate – Appeal A

7. The appeal site is wholly within the Metropolitan Green Belt. The policy of the development plan referred to in the RfRs of both appeals is Policy LO8 of the Sevenoaks Core Strategy (Core Strategy) (adopted 2011). In relation to Green Belt, this Policy simply states that ..."*[t]he extent of the Green Belt will be maintained*". As this Policy omits any reference to inappropriate development types and very special circumstances, it is inconsistent with the Framework. Accordingly, I have given significant weight to the Green Belt policies of the Framework.
8. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with any such harm attracting substantial weight. The exceptions to inappropriate development include two categories of potential relevance to the appeals in paragraph 154. The first of these is, e), limited infilling in villages and g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area.

9. In terms of whether either proposal would constitute limited infilling within a village, the location of the site is relevant. The site is located within Ash, which is a settlement, albeit a rather loosely defined, relatively low density settlement which has a semi-rural/ribbon development character. The nearby settlement of New Ash Green is a fourth tier *Local Service Centre* settlement listed within Policy LO1 of the Core Strategy. It has a clearer settlement edge on the ground which is defined on the related policies map of the Core Strategy. The site falls outside of New Ash Green both on the ground and in policy terms.
10. During the hearing, it was claimed that the site was within 250 metres of the edge of the settlement of New Ash Green and was therefore being screened out from potential site allocations from the emerging Local Plan¹ (eLP) on this basis. This has some relevance insofar as it also places the site outside of the settlement. In my view, there is a distinction between Ash and New Ash Green in terms of function, density and character, and thus, either proposal at the scale of 16 or 18 dwellings would not constitute limited infilling relative to the host settlement of Ash. Neither proposal would therefore qualify under exception e) of Framework paragraph 154. None of the guidance in the Council's *Development in the Green Belt Supplementary Planning Document* (adopted 2015) (SPD) leads me to a different conclusion.
11. The main parties agree that as a former horticultural nursery and on a single planning unit which also has residential use, the site should be regarded as previously developed. My view is also that the site is previously developed land.
12. Both proposals have been subject of viability testing to justify the less than 40% provision of affordable housing on site that is typically required by Policy SP3 of the Core Strategy. There is agreement between the parties on the outcome of the viability assessment process and that both proposals would make a financial contribution towards meeting an identified affordable housing need within the area. In the case of Appeal A, the contribution would be an amount of c. £71,000 to be used off site towards the provision of meeting the identified affordable housing need which is referred to as 'acute' in the officer's report to the Planning Committee. In the case of Appeal B, the financial contribution would similarly be to be used off site but would be the greater amount of c. £124,065. My view is that there is no specific requirement for any such contribution to comprise on-site delivery and thus, both appeal schemes would make a contribution towards meeting the clear affordable housing need which is identified by the Council's own evidence.
13. Therefore, both appeal schemes at least partially meet the exception under Framework paragraph 154 g) through the reuse of previously developed land and contributions towards affordable housing. The remaining area to examine is whether either or both schemes would cause substantial harm to the openness of the Green Belt.

Openness

14. The proposal under Appeal A would involve the demolition of all structures and buildings from the site such as a part-converted barn, a number of glasshouses and polytunnels. The Oast House dwelling would remain. A total of 18 dwellings would be built across the site in place of the demolished structures, with

¹ On which the Regulation 18 part 2 stage consultation ran between November 2023 and January 2024

associated access road and landscaping. The proposal under Appeal B would involve the same clearance of the site and retention of the Oast House but would involve the construction of 16 dwellings with slightly lowered roof heights and with modest layout changes. There is a separate section of land within the ownership/control of the appellant within the blue lined land. This is currently free of buildings and would remain so under both proposals. The agreed Statement of Common Ground (SoCG) details the difference between the existing volume of structures at 2,980 cubic metres (924 sqm floorspace), compared with the proposed 6,466 cubic metres for Appeal A (1,513 sqm floorspace) and with the 5,243 cubic metres proposed for Appeal B (1,369 sqm).

15. There is no doubt that the proposals under both Appeals A and B would give rise to some degree of change through the increase in mass, permanence and solidity of built structures on site. The introduction of such would obviously run counter to the concept of openness being the freedom from built development. Therefore, there would be an acknowledged degree of harm to openness.
16. In a spatial sense, the proposals would intensify the number of buildings within the red line site area to an extent that would obviously differ from the current arrangement and appear more urban than the surrounding predominantly residential developments.
17. Considered visually, the largely vegetated and enclosed frontage would be opened up to reveal more of an urban form of development. The public views of these buildings would be largely restricted to a short section of Ash Road, with some private views capable of being obtained from neighbouring dwellings and land. It would be more apparent from the access point on Ash Road that the built form would be of greater scale, solidity and permanence when compared with some of the existing structures. Taking all these factors together, there would be a modestly erosive effect on the openness of the Green Belt, with Appeal A being a minor degree more harmful than Appeal B given the increased total volume and heights of buildings.
18. I have taken account of the Sevenoaks Green Belt Assessment (2017) and the conclusions of the separate Stage 2 Assessment (2023) and the ways in which the respective parcel including the site was considered to contribute towards the five purposes of the Green Belt, with avoiding the merging of settlements and safeguarding the countryside from encroachment being of particular relevance to the appeal schemes. Whilst these documents are relevant evidence material, particularly for the eLP process, and give context to the views of the main parties, I have reached my own views on the contribution of this particular appeal site to said Green Belt purposes. My view is that the site itself contributes minimally to preventing the merging of settlements given its existing character and location. Similarly, the rural, countryside character of the site is not a strong characteristic and thus, whilst there would be some encroachment, this too would be modest at most.
19. Therefore, taking account of both the spatial and visual dimensions of openness² and considered overall, there would be some harm to the openness of the Green Belt. For Appeal A, I consider that the degree of harm would be

² Turner v SSCLG [2016] EWCA Civ 466 and R(oao Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3

modest. For Appeal B, my view is that the degree of harm would also fall into the modest category, albeit to a slightly lesser degree than for Appeal A. However, in my view, neither scheme would cause a substantial degree of harm to the openness of the Green Belt. These views have been reached in acknowledgement of a recent refusal of permission by the Council for 74 dwellings³ on a nearby site which I distinguish from the appeal schemes given the difference in scale of that proposal and the differences between the respective sites.

20. Therefore, my conclusions are that neither appeal scheme would cause substantial harm to openness and, given my findings above, neither proposal would constitute inappropriate development within the Green Belt under the terms of paragraph 154 g) of the Framework.

Other Matters

21. The Council did not allege any other harms or conflict with the development plan save for a late-stage introduction of whether the proposal would conflict with the development plan in locational terms. Through discussion at the hearing and the analysis of Policy LO1 of the Core Strategy, it became clearer that in policy terms, there would be a conflict given that the appeal site falls outside of the built limits of New Ash Green. However, given that the site is within 250 metres of the same and within reasonable proximity of a range of everyday facilities, this does not amount to an objection about the unsustainable location.
22. Whilst the Council did not raise any issues of material harm to the living conditions of neighbouring occupiers from either proposal, an adjoining resident has raised issues with the position and orientation of the proposed dwellings relative to his house and garden and the privacy that he and his family currently enjoy. His property was visited as part of the hearing site visit.
23. It is clear to me that the nature of the relationship between the appeal site and the adjoining neighbour would be changed to one with a more urban quality. In the case of Appeal A, the rear of houses would be more distant but orientated to have bedroom windows at first floor looking towards the neighbouring garden. In the case of Appeal A, due to the reorientation of the middle blocks, the flank walls of Plot Nos 4, 7 and 8 would face towards the garden but at much closer quarters, potentially also allowing oblique views from front and rear bedroom windows over the neighbouring garden. However, given the proximity, scale of dwellings and setting of the neighbour's dwelling, I do not consider that the proposal would be overbearing. In terms of privacy from first floor windows overlooking either directly or more obliquely, I consider that the retention of the intervening substantial hedgerow of mixed evergreen and deciduous species extending from the rear of the house to the rearmost boundary would maintain similar levels of privacy to that currently enjoyed throughout the year. This intervening hedgerow was clarified as being within the ownership of the neighbour, though it is shown as being retained on the plans in any event.
24. The neighbour's concern about the potential disturbance of future occupiers from the wash down of commercial vehicles in late evening is noted. However, I have no evidence that a lawful mixed commercial/residential use exists and

³ Ref 22/01609/OUT dated 17.01.23

thus, any activities undertaken should be capable of taking place without harm to any future occupiers of the appeal site. Furthermore, a limit on internal noise limits could be imposed by way of planning condition to further safeguard living conditions.

25. The additional concern of the neighbours about the potential for devaluation of his property by either of the appeal schemes is not a material planning consideration, and thus, has not been considered further.
26. A number of other concerns were raised by objectors to the scheme that go beyond the range of topics considered above, including issues with highway safety and traffic generation, impact on infrastructure and additional noise/disturbance. I note the absence of objections from the highway consultee and find no reason to reach alternative conclusions in respect of safety considerations, subject to conditions. In my view, the trip generation from schemes of either 16 or 18 dwellings would not be harmful relative to the capacity of the adjoining highway network from what I saw on my site visit. There have not been any issues raised by infrastructure providers to accommodate the development beyond the Local Education Authority which has requested financial contributions to provide additional school places. Given the modest scale of the development, I do not envisage any material demand increases that could not be accommodated by local facilities and services.
27. The future residents would generate some additional noise and disturbance from comings and goings and associated domestic activities. However, I do not consider that the nature or scale of such noise would cause material harm to any existing neighbouring occupiers or the character of the area.
28. The Council acknowledged the loss of employment as part of the overall planning balance. I have limited details about the amount of employment sustained by the site when it was operational or its value to the local area. However, I am of the view that given the scale of the site and the nature of the enterprise, the permanent, albeit modest loss of economic activity from the site would be outweighed by the economic boost that would be generated by the construction of dwellings through either Appeal A or Appeal B and the longer-term reliance on local services by future residents of the site.
29. The Council indicated that the consultation version of the Framework was relevant insofar as the site would likely be considered to fall into the category of 'grey belt' land and that the overall housing need for the district would materially increase under the methodology proposed therein. The appellant did not dispute these points. However, as the consultation version of the Framework is only capable of attracting limited weight, I have reached my decision on the current version of the Framework.

Protected Species

30. Through a Bat Emergence/Re-Entry Survey Report⁴, it was identified that existing building 'B10' was used by common pipistrelle and brown long-eared bats as a summer day roost site. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), my role as the competent authority requires me to consider the derogation tests given the need for a mitigation licence to be granted by the relevant body.

⁴ Ref 4944E/22/03 dated 19 October 2023

31. The first test requires that a valid basis is demonstrated for the purpose of the licence. To this end, it is clear that there are imperative reasons of overriding public interest to warrant granting planning permission.
32. The second test requires a demonstration that there are no reasonable options with lower impacts. The building containing the roost is integral to the site and serves no useful purpose. To secure a comprehensive redevelopment scheme of the site will involve demolition of the building which means that there are no reasonable options with lower impacts than the proposals.
33. The third test is to show that granting the licence will not cause long-term impacts on the species concerned. In this regard, the alternative roost and additional enhancement measures will ensure the avoidance of long-term impacts on all bat species. These measures can be secured by way of planning conditions and the planning obligations.
34. Therefore, as the competent authority for the purposes of the Habitats Regulations, I have considered the tests and have no reason to doubt that a mitigation license would not be issued.

Planning obligations

35. The S106s (including the DoV) provide for a range of infrastructure that is necessary to offset the impact of additional residents on the area, or to comply with other policies of the development plan. The agreed apportionment of the surplus value achieved by either development agreed between the main parties and Kent County Council as the Local Education Authority, also summarised in the SoCG, is as follows:
- Appeal A: Secondary education £100,569.42; Secondary land £90,681.48; Special education needs and disabilities (SEND) £10,076.94, and off-site affordable housing contribution £71,000.16.
 - Appeal B: Secondary education £89,395.04; Secondary land £80,605.76; SEND £8,957.28, and off-site affordable housing contribution £124,064.92.
36. I have had regard to the Statement relating to Regulation 122 of the Community Infrastructure Levy Regulations (2010, as amended), submitted by the Council, which justifies the various contributions and the monitoring fee for the planning obligations. I have also had regard to the evidence on viability as to how the various contributions have been calculated and note the build cost impact on the contribution totals for Appeal A relative to Appeal B. I have also considered the S106s and the terms on which the parties agree to make and spend the contributions. I am satisfied that all of the obligations are necessary to make the respective proposals acceptable in planning terms and that they pass the tests for planning obligations set out in the Framework in all other respects. I have therefore taken them into account in reaching my decisions.

Planning balance

37. Though the proposals would result in development within the Green Belt, it would not change the physical or policy extent of the Green Belt. As such, neither proposal could be said to be in direct conflict with Policy LO8 of the Core Strategy. I have also found that the proposals would not be inappropriate development within the Green Belt under the terms of the Framework and

therefore, it is not necessary to consider whether very special circumstances exist to justify either development.

38. I have considered the conflict of the schemes with the locational criteria of the development plan, though this would not give rise to an unsustainable reliance on private vehicles by future residents.
39. The schemes would make a modest but valuable contribution towards the housing stock in an area where there is an acknowledged undersupply of housing land, with a 3.46 year supply capable of being demonstrated against the five year requirement set out by the Framework. This undersupply and the failure of the Council to pass the Housing Delivery Test⁵ in the previous three years trigger the tilted balance under paragraph 11 d) of the Framework. By virtue of the two additional dwellings, Appeal A would be a marginally greater contributor to the housing supply than Appeal B.
40. The schemes would both contribute towards the provision of affordable housing in an area of at least substantial identified need. Appeal B would be modestly more beneficial in this regard than Appeal A from the greater financial contribution that would be generated.
41. Both schemes also attract a limited additional degree of weight by virtue of their modest scale, the detailed nature of both proposals and their respective housing mixes. Both would be well aligned to meet the identified housing needs in the area and could be expected to be delivered in a timely manner, with associated construction and longer-term economic benefits.
42. There would also be environmental benefits from both schemes from the Biodiversity Net Gain (BNG) enhancements offered by the appellant for which the mandatory requirements are not strictly capable of taking effect. The BNG enhancements would largely be delivered through an area of new habitat within the blue line area and associated ongoing monitoring.
43. Taken collectively, the public benefits from Appeal A would be substantial, so too would the public benefits from the alternative Appeal B scheme.
44. Considered overall, I find that neither schemes conflict with the development plan taken as a whole and that any such conflict would be outweighed by other considerations, such as the Framework policies and public benefits, such that they would indicate that permissions should be granted other than in accordance therewith in any event.

Conditions

45. I have considered the need for planning conditions in light of the tests outlined in the Framework and Planning Practice Guidance. The lists of suggested planning conditions were agreed between the main parties prior to the hearing, and where necessary, approval has also been sought for any unavoidable pre-commencement conditions. As the list of conditions are largely duplicated, albeit in different order, I have considered the conditions together.
46. Conditions are necessary for both schemes to specify the statutory time limits for implementation and to specify the relevant approved plans in the interests of certainty. Where relevant, submitted documents are set out in specific

⁵ Housing Delivery Test, see paragraph 79 of the Framework and related definition

conditions, avoiding the need for them to be listed in condition 2. Similarly, conditions are required in connection with site levels and ridge heights.

47. In the interests of the character and appearance of the area, conditions are required to secure details of materials, landscaping and external lighting. Whilst the Council recommended a condition requiring details of crime prevention measures, with the detailed nature of the scheme, including landscaping, such limited changes could come from such an exercise so as to render the conditions unnecessary.
48. In the interests of highway safety, it is necessary to impose conditions relating to the provision of the access with the highway (including visibility splays), the provision of the uncontrolled pedestrian crossing and provision of parking.
49. To protect the living conditions of neighbouring occupiers, conditions are necessary in relation to construction phase working hours. Additionally, conditions are required to remove permitted development rights for potential alterations such as the insertion of additional windows that could result in a loss of privacy.
50. To ensure the protection of the trees and biodiversity value of the area, tree protection conditions are necessary, as are conditions relating to Landscape and Ecology Management Plans and biodiversity enhancement measures.
51. In the interests of environmental protection, conditions are required to ensure the provision and implementation of a surface water drainage scheme (including the provision of a verification report to confirm its implementation). Similarly, conditions are needed to secure any contamination remediation works should the need arise and for a Construction Environmental Management Plan to be implemented during the construction phase.
52. To secure the adequate living conditions of future occupiers, conditions are necessary to limit the maximum internal noise levels. To assist with the sustainability objectives of the schemes, conditions are necessary in relation to charging points for electric vehicles and separate cycle storage areas.
53. Given the protected species implications of the proposals, conditions are necessary to ensure that the development is undertaken in accordance with the recommendations of the related report to ensure the favourable conservation status of the species.
54. A response from the Council's archaeological specialist indicates that the site lies in an area near where prehistoric and later remains have been found but where limited investigation has occurred. As such, conditions are required to secure archaeological investigations during the course of development.

Overall conclusions

55. For the foregoing reasons, Appeal A should be allowed.
56. For the similar foregoing reasons, Appeal B should be allowed.

H Nicholls
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Bedford	Director, DHA Planning
Miss Daisy Noble	On behalf of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ashley Bidwell	Senior Planning Officer
Miss Emma Coffin	Senior Planning Officer

INTERESTED PARTIES:

Mr Frank Cottee	Councillor, Ash-Cum-Ridley Parish Council
Mr Mark Lindop	Councillor for Ash and New Ash Green Ward
Mr Neil Edwards	Local resident
Mr Ryan Edwards	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING:

Document 1 – Photograph of existing view of site frontage from Ash Road
Document 2 – Photomontage of proposed Appeal B scheme from Ash Road
Document 3 – Marked up photograph from Mr Edwards
Document 4 – Marked up photograph from Mr Edwards
Document 5 – Completed Deed of Variation dated 21 August 2024
Document 6 – Emerging Local Plan 2040

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 7 – Email concerning agreed permitted development rights removal
Document 8 – Completed S106 Agreement dated 4 September 2024 (Appeal B)

SCHEDULE OF CONDITIONS – APPEAL A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

1000 Rev.I, 1200 Rev.C, 1201 Rev.A, 1202 Rev.B, 1203 Rev. B, 1204 Rev.B, 1205 Rev.B, 1300 Rev.F, 1301 Rev.E, 1302 Rev.D, 1303 Rev.E, 1304 Rev.E, 1305 Rev.E, 1306 Rev.F, H01 Rev.P2, H02 Rev.P1, PJC.1173.001 Rev. D (Sheets 1 and 2), PJC.1173.002 Rev. D (Sheets 1 and 2).
- 3) Prior to above ground works (excluding clearance and demolition operations), further details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
- 4) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved in writing by the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report and will include the following: Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan); Details of the body or organisation responsible for implementation of the plan, and; 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 approved plan will be implemented in accordance with the approved details.
- 5) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report dated 26th November 2022 prepared by RCD Consultants Ltd and 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - 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 drainage scheme shall be implemented in accordance with the approved details.

- 6) The dwellings hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been 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 information and evidence (including photographs) 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.
- 7) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.
- 8) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels 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.
- 9) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; Temporary traffic management / signage; details of proposed working and delivery hours; details of how noise, vibration and dust shall be controlled during the construction period; and a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted. The development shall be carried out only in accordance with the approved details.
- 10) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H01 Rev. P2 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement).

The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.

- 11) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. L_{Amax,F} during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.
- 12) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H02 Rev.P1 has been provided. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays.
- 13) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.
- 14) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and all planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.
- 15) Details of any external lighting of the site shall be submitted to, and approved in writing by the local planning authority prior to the commencement of works above damp proof course level for the dwellings hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire/lux profiles). The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.
- 16) Prior to the first occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries.

- 17) Prior to development reaching the damp proof course, details of the location and type of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of all charging points and appearance of all charging points.
- 18) Prior to completion of the damp proof course of the development hereby permitted, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of bird nest space. The approved details will be implemented and thereafter retained.
- 19) The refuse and cycle storage facilities as shown on approved plan number 1000 Rev.I shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.
- 20) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Pre-Tree survey report by Invicta Arboriculture dated Nov 2022 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
- 21) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all during Sundays or Bank Holidays.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders) no additional external doors, windows or roof enlargements/alterations shall be carried out or made to the dwellings without the grant of planning permission by the local planning authority.
- 23) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details described in the Bat Emergence/Re-Entry Survey Report (PJC October 2023), unless otherwise varied by a Natural England licence.
- 24) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority; and ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority; iii. programme of post excavation assessment and publication.

SCHEDULE OF CONDITIONS - APPEAL B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:

PJC.1173.001 Rev F, PJC.1173.002 Rev F, 1007 Rev H, 1020 Rev B, 1021 Rev B, 1200 Rev D, 1201 Rev E, 1202 Rev E, 1203 Rev E, 1204 Rev E, 1205 Rev E, 1300 Rev I, 1301 Rev N, 1302 Rev M, 1303 Rev O, 1304 Rev O, 1305 Rev M, 1306 Rev Q, 1307, 1400 Rev K, 1401 Rev M, 1402 Rev M, TCP001 Rev A, TPP001 Rev C, H-01 Rev P4 , H-02 Rev P3, SK01 Rev F, SK02 Rev F, SK03 Rev F, SK04.
- 3) Prior to the commencement of development above the damp proof course, details including samples of the external materials and finishes of the new houses shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out only in accordance with the approved details.
- 4) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and all planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number.
- 5) Prior to occupation, details of external lighting shall be submitted to, and approved in writing by, the local planning authority. The submitted details shall include a plan showing the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity or residential amenities and will not result in excessive light spillage. All external lighting shall be installed in accordance with the approved details and shall be maintained as such thereafter.
- 6) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels 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.
- 7) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; Temporary traffic management / signage; details of proposed working and delivery hours; details of how noise, vibration and dust shall be controlled during the construction period; and a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning

- permitted. The development shall be carried out only in accordance with the approved details.
- 8) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.
 - 9) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.
 - 10) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential units would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, have been submitted to and approved in writing by the Local Planning Authority. L_Amax,F during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.
 - 11) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H-01 Rev P4 has been provided in full. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays at any time.
 - 12) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H-01 Rev and H-02 Rev have been submitted to and approved by in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement). The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.
 - 13) Prior to the first occupation of the development hereby approved, the vehicle parking spaces as shown on the approved plans shall be provided in full and shall be so maintained and available for use as such at all times.
 - 14) Prior to the first occupation of any part of the development, further details of secure, covered bicycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for user prior to the

- occupation of the development hereby permitted and shall thereafter be retained for such use at all times.
- 15) Prior to first occupation of the dwellings, further details of refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.
 - 16) Prior to the development reaching the damp proof course, details of the location of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The charging point(s) shall be installed prior to first occupation of the development in accordance with the submitted details and shall be maintained as such thereafter.
 - 17) No demolition, site clearance or building operations shall commence on site until the protection measures detailed within the Tree Survey and Report by Invicta Arboriculture dated Sept 2023 and drawing no. TPP001 Rev C have been installed. At all times until the completion of the development, such protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
 - 18) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details described in sections Bat Emergence/Re-Entry Survey Report (PJC October 2023), unless otherwise varied by a Natural England licence.
 - 19) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved by, the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report (PJC October 2023) and will include the following: Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan); Details of the body or organisation responsible for implementation of the plan, and; 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 approved plan will be implemented in accordance with the approved details.
 - 20) Prior to the commencement of development above the damp proof course, details of how the development shall enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include native species and wildlife-friendly landscape plan and provision of habitat features such as bird boxes and bat roosting space over and above that required for compensation for the loss of habitat. The approved details shall be implemented and thereafter retained.
 - 21) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water

drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report prepared by RCD Consultants Ltd. dated 12th January 2024 and 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. - 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 drainage scheme shall be implemented in accordance with the approved details.

- 22) The dwellings hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved 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 information and evidence (including photographs) 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.
- 23) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the local planning authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.
- 24) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority; iii. programme of post excavation assessment and publication.
- 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders) no additional external doors, windows or roof enlargements/alterations shall be carried out or made to the dwellings without the grant of planning permission by the local planning authority.

----- END OF SCHEDULES -----