



Appeal Decision

Hearing held on 6 November 2024

Site visits made on 5 and 7 November 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/W3710/W/24/3345739

Land off Woodlands Lane, Bedworth CV12 0ND

- 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 Arbury Estate against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref is 039720.
 - The development proposed is the demolition of the existing Woodlands Farmhouse and agricultural buildings and the erection of up to 150 residential dwellings (Use Class C3), and associated infrastructure, public open space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing Woodlands Farmhouse and agricultural buildings and the erection of up to 150 residential dwellings (Use Class C3), and associated infrastructure, public open space and landscaping at land off Woodlands Lane, Bedworth CV12 0ND in accordance with the application Ref 039720 subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The application is a hybrid seeking full planning permission for the demolition of Woodlands Farmhouse and outline permission for residential development with all matters reserved for future consideration save for access. I have determined the appeal on this basis. Illustrative plans accompany the outline part of the application and I have paid regard to this information in so far as assessing the principle of development in land use terms.
3. Following determination of the application Nuneaton and Bedworth Borough Council (NBBC) confirmed that it no longer intended to defend the reasons for refusal, subject to conditions and planning obligation.

Main Issues

4. The main issues are:
 - Whether the proposed development would undermine the plan-making process by pre-determining new development in the emerging local plan;
 - Whether the proposal would fulfil the economic and social roles of sustainable development in terms of the provision of infrastructure and accessible local services; and

- The effect upon biodiversity

Reasons

The plan making process

5. The development plan for the area is the Nuneaton and Bedworth Borough Council Borough Plan (2019) (BP). The appeal site alongside fields located on the eastern side of Woodlands Road are allocated for housing development for around 689 dwellings, a local centre and a primary school under BP Policy HSG4. The appeal site lies wholly within the settlement boundary of Bedworth which is the second highest order settlement in the borough and an appropriate location for new development.
6. The appeal scheme represents part of the HSG4 site allocation and is for up to 150 dwellings. The quantum of development proposed is lower than required by the allocation and does not include the local centre and primary school, however, it would still deliver a not insignificant number of houses. In addition, there is nothing before me to indicate that the appeal scheme would prejudice the remainder of the allocation coming forward later. Albeit I understand that the landowner has limited appetite to do so.
7. I note that the Borough Plan Review (BPR) does not allocate the appeal site for development on account of concerns expressed by NBBC regarding deliverability. Whilst there might well be outstanding issues regarding the wider allocation, there were no technical objections to the planning application and the appellant is in discussion with a national house builder which are strong indicators that the appeal site, at the least, is deliverable.
8. The BPR was submitted for examination in February of this year. Hearing sessions have taken place and a post-hearing note was issued by the Inspectors examining the plan several days after the close of the hearing.
9. Paragraphs 49 and 50 of the National Planning Policy Framework (the Framework) set out how applications for planning permission should be determined in respect of emerging plans. The Framework makes it clear that arguments of prematurity are unlikely to justify a refusal of planning permission other than in limited circumstances.
10. These are where both (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about scale, location or phasing of new development that are central to an emerging plan and (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
11. The Framework does not define what constitutes substantial development, therefore it is a matter of planning judgement for the decision maker. The proposed development is for up to 150 dwellings and whilst a major development it would represent around just 1.5% of the overall housing need for the area. In my judgement the quantum of development proposed would not be so substantial that it would pre-determine decisions of the scale, location or phasing of new development across the borough. Therefore, the proposal does not meet the criteria in paragraph 49 a) of the Framework for refusing planning permission on the grounds of prematurity.

12. One could argue that the BPR has reached an advanced stage as examination has taken place and a post-hearing note has been issued which does not seek to reverse the plan to de-allocate site HSG4. That said, the examining Inspectors have stated the plan, as submitted, is unsound and main modifications are required to make it sound.
13. Of note is the concerns expressed about the delivery timescales of a number of sites within the first five years of the plan which could have a knock-on effect on the supply of housing. As such, matters in respect of the supply and delivery of housing have not been fully resolved at this stage. In my view, sufficient uncertainty exists regarding this matter.
14. The main modifications will be subject to further consultation once NBBC has completed its work. There is no indication about the timetable or what might arise from the main modification consultation exercise. Thus, there is no certainty that objections to relevant policies in the BPR have been resolved.
15. Drawing these matters together I conclude that refusal of the proposed development on the basis of the BPR is not supported by paragraphs 49 and 50 of the Framework. The proposal would not be premature and would not undermine the plan making process. Accordingly, the BPR attracts only limited weight in the decision making process.

Infrastructure and access to services and facilities

16. BP Policy TC3 states that new residential development should be within 1,200m walking distance of a district or local centre and an 8-minute drive time to a district centre. The Framework also requires new development to be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
17. The nearest designated local centre is on Smorrall Lane located approximately 800m south of the site. The centre includes convenience stores, hot food takeaways, a betting shop and beauty salon. In terms of proximity a convenience store and doctor's surgery are located on Woodlands Road, around 300m to the east of the site. In addition, Bedworth town centre containing a range of day-to-day services and facilities is located approximately 1,600m to the east.
18. The final layout is reserved for future consideration and it is evident when considering the developable areas of the site that a number of residents would be less than 1,200m from shops on Smorrall Lane and thus within an acceptable walking distance. Whilst some occupiers would reside further away, beyond the 1,200m distance, I find that taking the overall distance, in isolation, to be somewhat of a crude indicator of whether a site is accessible to services and facilities.
19. The development proposes a vehicular junction and footway onto Woodlands Lane and a pedestrian and cycling link connecting to Judd Close. Despite representations contending otherwise, I am of the view that these connections would provide safe and convenient pedestrian and cycling routes, that would avoid The Nook, to the nearby Woodlands Road convenience store and the local centre on Smorrall Lane thereby reducing the need to travel by car, particularly in respect of top-up shops.

20. Bedworth town centre, second only to Nuneaton in terms of its role and function in the borough, is located 1,600m from the site. At the time of my site visits I found the walking route into the town centre to be direct and relatively flat benefitting from a continuous footpath and streetlighting. As such, it is likely that a number of residents would find this route acceptable and, in my view, the overall distance would not act as a barrier for accessing services and facilities in the town centre on foot. In addition, funding would be provided, by the appellant, to improve the walking and cycling route into the town centre making it a more attractive option for residents.
21. In terms of public transport, Heath Road and Newton Road are served by regular bus services seven days a week to destinations including the town centre, Nuneaton and Coventry and that would support work-related and leisure trips to and from the site. Furthermore, the appellant is providing funding towards improving bus services in the area secured through the planning obligation.
22. The key development principles of Policy HSG4 include provision of a local centre and a primary school. However, the appellant is not providing such infrastructure.
23. Based on the evidence before me, including the absence of any request from Warwickshire County Council for a school or a financial contribution towards existing primary education, it is apparent that there is no requirement for a new primary school or additional spaces in the area.
24. Whilst the proposal does not include a local centre and primary school future residents would not be unduly inconvenienced by the absence of such infrastructure nor would it undermine the economic and social objectives of sustainable development as set out in the Framework. The proposed development makes provision for alternative transport options to access employment, education and leisure and other day to day services and facilities which are located within reasonable proximity of the site. Future residents would be able to access them on foot, on bicycle and by public transport without an over reliance on private vehicles.
25. Thus, whilst there would be some conflict with BP Policies TC3 and HSG4 I find this to be minor.

Biodiversity

26. The application was submitted prior to legislation requiring a mandatory 10% net gain came into effect. Nonetheless, the Framework seeks measurable net gains for biodiversity.
27. The site includes the Flash Meadows Local Wildlife Site (LWS), however, the majority of it comprises neutral grassland in moderate condition. Significant areas of this grassland would be lost but the development proposes to retain key features of the site including hedgerows, trees, the LWS and ridge and furrow grassland.
28. As part of the appeal, the appellant has submitted a Biodiversity Net Gain Technical Note which states that the existing habitats on site present a baseline habitat value of 126.61 units. In the absence of mitigation in the form of habitat creation or enhancements the proposed development would result in a 42% net loss of habitat.

29. The proposal seeks to avoid significant adverse effects on existing ecological important features and mitigation in the form of new native species planting and pond creation and long-term management of the LWS. However, this would still result in a 30.74% loss of habitat on site.
30. The appellant proposes to address this deficit by delivering a package of biodiversity enhancements off-site on the wider Arbury estate, as part of a more strategic approach towards biodiversity, providing 88.27 habitat credits, far greater than the 39.24 habitat credits required to achieve a 10% net gain in biodiversity.
31. Whilst the majority of the enhancements would be off-site this is consistent with the biodiversity offsetting hierarchy set out at BP Policy NE3 which requires replacement habitats to be provided in a biodiversity strategic location in the event the habitat cannot be replaced on site. This net gain in biodiversity would be secured through conditions and the planning obligation.
32. It has been argued that the proposed development ignores the avoid-minimise-restore-offset sequence set out at Policy NE3 of the BP. Having regard to the policy and the 'mitigation hierarchy' set out at paragraph 186 a) of the Framework it would not be possible to develop the appeal site and avoid completely harm to the natural environment given that the site is allocated for development in the BP.
33. Taking the above into account and based on the evidence before me I am satisfied that the proposed development minimises the impact upon notable habitats and its impact can be mitigated through a tangible net gain in biodiversity on and off site. Therefore, it would accord with BP Policy NE3.

Other Matters

34. I have been provided with photographic evidence demonstrating instances of flooding close to Dove Close and around the Nook. The application is supported by a site-specific Flood Risk Assessment and Sustainable Urban Drainage System Strategy and there is no substantive evidence, before me, to suggest that the development would increase the risk of flooding locally or downstream or that the overall strategy proposed would not be sufficient to serve the development. Furthermore, conditions have been imposed for the detailed drainage strategy including its implementation and long-term maintenance.
35. Local residents submit that Woodlands Road and surrounding roads frequently back up during peak periods. I visited the area on two weekday mornings - traffic ebbed and flowed along Woodlands Road and Newton Road and whilst I observed queuing traffic at road junctions, this was short term and there was nothing to suggest that this level of traffic is particularly unusual for the morning commute. At such times more traffic and longer journey times are to be expected.
36. Whilst the appellant's evidence indicates that the surrounding highway network is operating near to capacity in the morning peak the proposed development would not significantly impact upon it. In addition, financial contributions towards improvements to the Heath Road/ Newtown Road junction, Newtown Road/ A444 junction and junction 3 of the M6 motorway secured in the planning obligation would mitigate the impact of the development and provide additional capacity on the road network compared to the existing situation.

37. The appellant has submitted an Ecological Appraisal which sets out that the site comprises arable land and is sub optimal to support a number of protected species including Great Crested Newts (GCN), badgers and bats. There is no credible information before me to question its conclusion.
38. Furthermore, conditions have been imposed requiring updated GCN, badger and bat surveys to be undertaken prior to any development taking place on site. In the event that protected species were found on site the development could not proceed until adequate mitigation was secured. As such, I am satisfied that the appellant has adequately demonstrated that there are no insurmountable ecological constraints on and around the site.
39. There is no credible evidence before me to suggest that the adopted BP is unsound, that the site is contaminated or represents high quality agricultural land or that the proposed development would result in overcrowding, subsidence or unduly affect air quality. Nor is there anything to suggest that it would put additional pressure on local services including educational and medical facilities.
40. I have paid regard to the value that local residents place on The Nook and surrounding open green space for their general wellbeing. There are currently a number of walking routes around the perimeter of and across the site. Pedestrian movements around the site would change as a result of the development. Nevertheless, there would still be opportunities to cross the site and they would be permanent in nature connecting to the local area. As such, I am satisfied that the proposal would not undermine enjoyment of the surrounding open green space.
41. There is no doubt that the local environment would change on account of the proposed development. However, there is no reason to suggest that an appropriate scale, design and layout could not be secured at reserved matters stage that reflects the surrounding context and local distinctiveness.
42. In respect of the potential for disruption during construction works this would be short term. Conditions requiring submission of a Construction Management Plan and Construction Environmental Management Plan have been imposed to ensure that the living conditions of nearby occupiers and the safe operation of the surrounding roads is maintained during the construction of the development.
43. I must make my decision on the development plan policies at the time of my decision therefore the reference to previous Structure Plans and potential Green Belt designations are not relevant to the appeal scheme before me.
44. My attention has been drawn to a recent appeal decision for residential development to the north of Dove Close. Whilst the Inspector upheld the Council's decision to refuse the application including in respect of the accessibility to services and facilities and flooding it is evident that this proposal related to a small-scale scheme on an unallocated site in open countryside. As such, I am not persuaded that it is comparable to the appeal scheme before me. In any event every application and appeal must be considered on its own merits, as I have done. This decision does not lead me to reach a different conclusion in respect of the main issues.

Planning Obligations

45. The s106 agreement covers a number of planning obligations that are required by the BP to ensure the facilities and services that are essential for development to take place are delivered or mitigate its impact.
46. Given the policy requirements and infrastructure needs arising from the development I am satisfied that all of the obligations set out in the s106 are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Planning Balance

47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
48. In this instance there would be some minor conflict with BP Policy TC3 and Policy HSG4, however, in my judgement there would be no tangible harm resulting from this conflict.
49. I acknowledge that the Framework and the emerging local plan are capable of being material considerations, but they do not trump the primacy of the development plan in the decision-making process. As set out earlier the BPR only attracts limited weight, and the proposal would not be premature.
50. Importantly, the proposal would deliver up to 150 dwellings on part of a site that is allocated for residential led development in the BP. The principle of developing the site therefore accords with the terms of the existing development plan and the overall spatial strategy and objectives of directing new development to existing settlements at a scale that reflects its role and function and its order in the hierarchy. Bedworth is the second highest ranked settlement in the borough and is clearly an appropriate location for new development.
51. Given that the proposal complies with the overall strategic approach of the development plan in terms of delivering dwellings on an identified site for housing, and notwithstanding some conflict with certain policies, I find that the proposed development would accord with the development plan as a whole. In such circumstances, paragraph 11 c) of the Framework is clear that development should be approved without delay.

Conditions

52. In the event of the appeal being allowed, the main parties suggested that 36 conditions would be necessary to make the scheme acceptable. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.
53. As the application is a hybrid full and outline planning permission conditions relating to the relevant time limits have been imposed alongside conditions relating to the submission of reserved matters. I have imposed a condition specifying the relevant drawings as this provides certainty.

54. Taking into account the scale of the proposal a condition relating to the phasing of the development is necessary. A condition requiring demolition of Woodlands Farmhouse and any land remediation is appropriately carried out is also considered necessary in the interests of human health.
55. In order to safeguard the living conditions of nearby residents and the safe efficient operation of the local highway network during the construction phase conditions for a Construction Management Plan and Construction Environmental Plan have been imposed.
56. In the interests of safeguarding wildlife, habitat and protected species conditions for a Construction Ecological Management Plan; Biodiversity, Landscaping and Ecological Management Plan; protection of trees, external lighting and schemes for the protection of GCN, bats and badgers have been imposed.
57. Conditions for a detailed surface water drainage scheme and rainwater harvesting are necessary in the interests of sustainability and flood risk.
58. Conditions relating to play areas and public open space, landscaping, finished floor levels, fire hydrants, boiler emissions and noise attenuation have been imposed to ensure a satisfactory standard of development is provided.
59. In the interests of connectivity and accessibility conditions in respect of bus infrastructure; Travel Plans and sustainable travel welcome packs, and pedestrian and cycle accesses and links have been imposed. I have amended the Phasing Plan condition to include details of the reinstatement of the dropped kerb serving the to be demolished Woodlands Farmhouse.
60. The Council has suggested conditions for the submission of materials and, boundary treatments for each phase of development; a separation gap of 2m from Public Rights of Ways and new water features and security fencing to be positioned at least 1m away from any Public Right of Way. These are details that would be submitted as part of reserved matters applications and thus it is not necessary to impose separate conditions.
61. A condition stating that no residential building should be located outside the defined settlement boundary of Bedworth has also been suggested. However, it is evident that the appeal site lies wholly within the settlement boundary of the town and therefore this condition is not necessary.
62. The Council has suggested a condition for an adequate mix of housing including adaptable and accessible housing and compliance with the Nationally Described Space Standards (NDSS). BP Policy H1 relates to the range and mix of housing and sets out that development should provide a mix based on the need identified in the most recent Strategic Housing Market Assessment as well as the characteristics of the surrounding area. No reference is made to the Housing and Economic Development Needs Assessment in Policy H1. As such, I concur with the appellant that this part of the condition is not suitably precise or indeed reasonable.
63. Turning now to compliance with the NDSS. The PPG¹ is clear that where local planning authorities wish to require an internal space standard, they should only do so by reference in their local plan to the NDSS. I note that the Council's

¹ Paragraph: 018 Reference ID: 56-018-20150327

Sustainable Design and Construction Supplementary Planning Document sets out a requirement for compliance with the NDSS. However, the Framework sets out that supplementary planning documents are not part of the development plan. As such, having regard to the PPG and the Framework such a requirement would not be reasonable. I have, therefore, reworded the condition accordingly.

64. There was some discussion, at the hearing, in respect of pedestrian and cycle linkages in the area. I have imposed a condition requiring further details of the access to Judd Close as this would connect the site to the adopted highway. I note that the Movement Parameter Plan indicates some form of pedestrian and cycle connections to existing Public Rights of Way. In order to ensure satisfactory movement across the site and connectivity to the surrounding area I have amended the Phasing Plan condition to require details of these other pedestrian and cycle links.

Conclusion

65. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Rebekah Hill Principal Planning Officer

Philip Richardson Senior Legal Officer

FOR THE APPELLANT:

Mary Cook Town Legal

James Byrne Mode Transport

Kurt Goodman FPCR

Alison Caldwell PJA

Joseph Cramphorn Savills

INTERESTED PARTIES:

Diane Byrne Local resident

Mr Caldwell Local resident

Mary Dineen Local resident

Roger Falstow Local resident

Karl Mayer Local resident

Louise Parker Local resident

Mark Sullivan CPRE Warwickshire

Martin Walsh Local Councillor

DOCUMENTS RECEIVED AFTER CLOSE OF HEARING

1. Executed and certified s106 Agreement
2. Borough Plan Review Post-Hearing Note
3. Representations on behalf of CPRE Warwickshire
4. Representations on behalf of Woodlands Action Group
5. Response to Borough Plan Review Post-Hearing Note from Savills

SCHEDULE OF CONDITIONS

- 1) The full element of the development to which this permission relates shall begin not later than three years from the date of this decision.
- 2) In respect of the outline element 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.
- 3) 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.
- 4) The outline development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with drawing numbers: Site Location Plan Drawing Number 224120-AFL-00-ZZ-DR-A-00101-P09; Site Block Plan Drawing Number 224120-AFL-00-ZZ-DR-A-00104-P07; Site Demolition Plan Drawing Number 224120-AFL-00-ZZ-DR-A-20111-P04 and Woodlands Lane Access Drawing Number L32-4678-PS-004
- 6) No development shall take place until a Phasing Plan has been submitted to and approved in writing by the local planning authority. The Phasing Plan shall provide details of the sequence and timing of development across the entire site, including:
 - i) the provision of all major infrastructure including accesses, roads, footpaths and cycleways and bus stops and shelters;
 - ii) residential dwellings;
 - iii) provision of public open space;
 - iv) links to Public Rights of Way and paths;
 - v) provision of ecological and landscaping enhancement areas;
 - vi) surface water drainage;
 - vii) demolition of the Woodlands Farmhouse and associated buildings; and
 - viii) reinstatement of existing and/or redundant access points

The development, and the release of dwellings for occupation, shall be carried out in accordance with the approved details.
- 7) No development, shall commence on the parts of the site which currently feature a farmhouse, ancillary residential outbuildings and agricultural buildings (as shown on Demolition Plan Drawing Number 224120-AFL-00-ZZ-DR-A-20111-P04) until:
 - i) a contaminated land assessment and associated remedial strategy has been submitted to, and agreed in writing by the local planning authority;
 - ii) The approved remediation works shall be completed on site, in accordance with a quality assurance scheme, agreed as part of the contaminated land assessment;
 - iii) If during implementation of this development, contamination is encountered which has not previously been identified, the additional

contamination shall be fully assessed and a specific contaminated land assessment and associated remedial strategy shall be submitted to and agreed in writing by the local planning authority before the additional remediation works are carried out. The agreed strategy shall be implemented in full prior to completion of the development hereby approved; and

- iv) On completion of the agreed remediation works, a closure report and certificate of compliance, endorsed by interested parties shall be submitted to and approved in writing by the local planning authority.
- 8) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for:
- i) the routing and 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) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours;
 - viii) emergency contact details that can be used by the local planning authority and Warwickshire County Council and public during the construction period.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 9) No development shall take place until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include details of:
- i) any pre- construction checks required;
 - ii) the species safeguards to be employed;
 - iii) appropriate working practices and timings of construction works;
 - iv) timing and methodology of site clearance;
 - v) the extent of buffer zones and stand-offs for sensitive ecological features;
 - vi) what to do if protected species are discovered during construction;
 - vii) methods for checking habitats for nesting birds;
 - viii) measures to prevent pollution of surface water and groundwater during construction based on the Environment Agency's Pollution Prevention Guidance (PPG) notes, the Groundwater Protection Policy (GP3) (EA, 2013a), CIRIA guidance on Construction Method Statements (CIRIA 2001,2015) and other current best practice;

- ix) demonstration of the adoption of best practice in storage of fuel, oils and chemicals, and in plant refuelling and maintenance during the construction phase;
- x) measures to protect soil (re-use on-site, appropriate storage and handling, measures to avoid compaction and erosion, reinstatement) in line with BS3882: 2015 (BSI, 2015); and
- xi) details of the body or organisation responsible for the implementation and ongoing management, monitoring and remedial actions of the plan, including the mechanism for funding

The CEMP shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the CEMP and address any contingency measures where appropriate. The CEMP will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the local planning authority evidencing implementation of the contents of the CEMP through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the Council within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on-site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

- 10) No development shall take place until a Biodiversity, Landscaping and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall set out how the measures detailed in 'Appendix A: Onsite Biodiversity Net Gain Management Plan' will be implemented and maintained. The content of the plan shall include:
 - i) details of planting to provide additional foraging areas for bats;
 - ii) details and position of roosting and nesting areas, tiles, boxes and terraces for bats and breeding birds;
 - iii) details of mammal friendly fencing;
 - iv) habitat creation on site;
 - v) biodiversity impact mitigation on site;
 - vi) landscape and ecological buffer zones;
 - vii) provision of hibernacula;
 - viii) provision of barn owl nest boxes;
 - ix) timetable for the implementation of all of the ecological and landscape mitigation and enhancement measures;
 - x) details of a scheme securing future maintenance and retention;
 - xi) description and evaluation of features to be managed;
 - xii) aims and objectives of management;
 - xiii) appropriate management options for achieving aims and objectives;
 - xiv) prescriptions for management actions;

- xv) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- xvi) details of the body or organisation responsible for implementation of the plan;
- xvii) ongoing monitoring and remedial measures.

The plan shall also include details of a suitably qualified Ecological Clerk of Works to oversee implementation of the plan and address any contingency measures where appropriate. The plan will set out key operations and associated points at which written reports will be submitted by the Ecological Clerk of Works to the local planning authority evidencing implementation of the contents of the plan through dated photographs and associated text. All visits leading to photographic reports shall be submitted to the local planning authority within 2 weeks of any such visit. The approved plan will be implemented in accordance with the approved details. The above conditions for Ecological works monitoring arrangements including a timetable covering all key stages and on site actions including what operations an ecologist will be present at and routine submission of written reports including dated photographic records of works and visits at each key stage. The above conditions conform to the British Standard BS 42020:2013 Biodiversity: Code of Practice for Planning and Development.

The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Development shall be carried out in accordance with the approved details.

- 11) No development, except for demolition, shall take place until a detailed surface water drainage scheme for the site, including phasing, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The submitted details shall include:
- i) infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
 - ii) where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of up to 22.1 l/s for the site in line with the approved surface water drainage strategy;
 - iii) where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian

ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).

- iv) provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design;
- v) provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753;
- vi) provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - a. suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant;
 - b. simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events;
 - c. results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period; and
 - d. evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
- vii) Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:
 - a. demonstrate how runoff will be directed through the development without exposing properties to flood risk;
 - b. consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - c. recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

The development shall be carried out in accordance with the approved details prior to completion of the development.

- 12) No development within any phase shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall demonstrate the

adoption and use of the best practicable means to reduce the effects of noise, vibration and site lighting. The Plan shall provide for:

- i) procedures for maintaining good public relations including complaint management, public consultation and liaison;
- ii) arrangements for liaison with the Council's Environmental Protection Team;
- iii) construction working hours;
- iv) measures to minimise the visual effects of temporary lighting during the construction period;
- v) measures to control the emission of dust and dirt during construction;
- vi) measures to control noise and vibration during construction.
- vii) delivery, demolition and construction working hours.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

- 13) No development within any phase shall take place until details of the protection and mitigation (including any necessary licensing from Natural England) of potential damage to populations of Great Crested Newts (GCN) (a protected species under The Wildlife and Countryside Act 1981 as amended and Habitats Directive Annex II) and associated habitat during the development have been submitted to and approved by the local planning authority. The scheme shall include:
- i) preparation of receptor area + receptor ponds including timing and phasing and establishment period ahead of trapping and other site commencement;
 - ii) details and location for all dropped kerbs and offset gulley pots and timing for implementation;
 - iii) details for the provision of GCN 'stepping stone' ponds and timing for implementation;
 - iv) details of the creation of permanent standing water areas to include GCN suitable profiles, cross sections and depths and timing for implementation.

Development shall be carried out in accordance with the approved details.

- 14) No development within any phase shall take place until a walkover of the site by a suitably qualified and licenced ecologist has been undertaken to verify that there are no badger setts on site, the results of which shall be submitted to and approved in writing by the local planning authority. If badger setts are found a licence, if required by Natural England, and mitigation statement shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The development shall be carried out in accordance with the approved details.
- 15) No development within any phase shall take place until a further bat roost check on trees being removed by a suitably qualified and licenced ecologist has been undertaken to verify that there are no roosting bats, the results of which shall be submitted to and approved in writing by the local planning authority. If roosting bats are found a licence, if required

by Natural England, and mitigation statement shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development. The development shall be carried out in accordance with the approved details.

- 16) No development in any phase shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 17) No development in any phase shall take place until an updated Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedges shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars set out in the Tree Survey Report and AIA received 18 July 2023. Development shall be carried out in accordance with the approved details.
- 18) No development in any phase, except the access, shall take place until details of the layout of equipped play areas, public open spaces, ecological and landscaping enhancement areas, boundary details (including knee rail fencing), surfacing, bins, seating, signage and notice/information boards for that phase, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 19) No development in any phase, except demolition, shall take place until a noise attenuation scheme (including glazing, ventilation, orientation, and barrier details where appropriate) to meet the standard for internal and external noise levels defined in table 4 and section 7.7.3.2 of BS8233:2014 has first been submitted to and approved in writing by the local planning authority. Specifically, with reference to those locations that are subject to higher noise levels at Woodlands Road. Development shall be carried out in accordance with the approved details.
- 20) No development in any phase, except demolition, shall take place until a scheme for the lighting of the site and associated access roads and parking areas within that phase has been submitted to and approved in writing by the local planning authority. The scheme should outline how the lighting scheme prevents lightspill affecting ecological habitats as evidenced by a suitably qualified and experienced ecologist and on lighting contour diagrams that include 5, 1, 0.5 and 0.3 lux contours. The scheme should also be in accordance with the guidance of the 2018 Bat Conservation Trust and Institute of Lighting Professionals Joint Guidance publication. The development shall be carried out in accordance with the approved details.
- 21) Details of the following additional matters shall, where relevant, concurrently with the submission of each reserved matters application, be submitted to and approved in writing by the local planning authority before development of any part of the site to which the submitted details relate is commenced. The development shall be implemented in accordance with the approved details prior to that part of the development being occupied or brought into use.

- i) schedule of the mix of dwellings across the whole site (irrespective of phases) demonstrating how this takes into account the most up-to-date Strategic Housing and Market Assessment (SHMA) and Policy H1 of the 2019 Borough Plan; and
 - ii) a schedule of the amount and types of accessible, adaptable and wheelchair user dwellings across the whole site (irrespective of phases) to meet Building Regulations requirement M4(2).
- 22) Detailed plans for the location and layout of bus infrastructure (including road markings and shelters) within the site shall be submitted and approved as part of any subsequent reserved matters application(s) relating to layout. The development shall be carried out in accordance with the approved details prior to occupation and retained thereafter for the lifetime of the development.
- 23) No dwelling shall be occupied until a scheme for the provision of adequate detailed supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to occupation of the development.
- 24) No dwelling shall be occupied in that phase until details of Sustainable Welcome Packs (including public transport information) has been submitted to and approved in writing by the local planning authority for each phase of development. The approved packs shall be provided to residents prior to the first occupation of that dwelling.
- 25) Prior to the first occupation of each dwelling, that dwelling shall be provided with a system for rainwater harvesting with a connection to a rainwater downpipe.
- 26) Within six months of occupation of the first dwelling an updated Travel Plan shall be submitted to and approved in writing by the local planning authority to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.
- 27) The details required by condition 1(e) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 28) For domestic heating provision, all gas-fired boiler installations should be low NOx emission type that meet a minimum standard of less than 40 mg NOx/kWh.
- 29) Detailed plans for the location and layout of the pedestrian and cycle access at Judd Close shall be submitted to and approved in writing as part of any subsequent reserved matters application(s). The access shall be provided broadly in accordance with Indicative Pedestrian/Cycle Access Drawing Number J32-8153-PS 001. The details shall include a timetable for implementation. Development shall be carried out in accordance with the approved details and timetable.

END OF SCHEDULE

Richborough