



Appeal Decision

Hearing held on 22 January 2025

Site visit made on 22 January 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/U2750/W/24/3347833

Land east of Broadacres, Mill Lane, Carlton DN14 9NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Hallam Land Management Ltd against North Yorkshire Council.
 - The application Ref is ZG2023/0732/OUTM.
 - The development proposed is up to 200 residential dwellings with access to, but not within, the site.
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Decision

1. The appeal is allowed and planning permission is granted for up to 200 residential dwellings with access to, but not within, the site at land east of Broadacres, Mill Lane, Carlton, DN14 9NB in accordance with the terms of the application, Ref ZG2023/0732/OUTM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline with access to be considered at this stage, and matters of appearance, landscaping, layout and scale to be reserved for consideration later. I have determined the appeal on the same basis.
3. There are two extant planning applications¹ for housing on the appeal site. These are undetermined at present.
4. For a number of reasons, including the publication of the revised National Planning Policy Framework (the 'Framework') in December 2024, officers made a recommendation to the Development Plans Committee and the Selby and Ainsty Area Committee on 17 January 2025 that work on the emerging Selby Local Plan (eLP) should cease. It is understood that this recommendation was accepted. The same recommendation will be made to the Executive Committee and then to the Full Council on the 26 February. As such, the Council consider that the eLP can carry only limited weight. However, there is no reason to consider that the evidence base supporting the eLP should be disregarded. Indeed, the report to the Selby and Ainsty Area Committee set out that the Council can continue to apply some weight to the most recent evidence base when making decision on planning applications, and that the evidence prepared for the eLP will be rolled into the preparation of the North Yorkshire Local Plan as appropriate.

¹ Refs 2022/0399/OUTM and ZG2024/0727/OUTM

Main Issue

5. Despite the appeal already having been lodged, the application subject of this appeal was initially brought to the Selby and Ainsty area planning committee with a recommendation that the committee conclude that planning permission would have been approved subject to the completion of a planning obligation. In light of new evidence on viability, that recommendation was subsequently changed, in an officer update note, such that it was recommended that the committee conclude that planning permission would have been refused because the affordable housing proposed was below that which could viably be delivered.
6. On that basis, I consider the main issue to be whether the development would make an appropriate contribution to affordable housing provision.

Reasons

7. Policy SP9 of the adopted Core Strategy (2013) states that the Council will negotiate for on-site affordable housing up to a maximum of 40% of the total number of dwellings. The policy adds that the actual amount of affordable housing will have regard to any abnormal costs, viability and other requirements. No abnormal costs have been suggested.
8. With regard to viability, the Council's Affordable Housing Supplementary Planning Document SPD (2014), which is referred to in the policy, advises that negotiations on affordable housing provision on specific sites will be informed by up to date evidence. The evidence supporting policy SP9 dates from 2009 and the officer report confirms that policy SP9 is based on supporting assessments that are over a decade old. A more recent Local Plan Viability Report by Aspinall Verdi was carried out in January 2021 and updated in 2022 and was produced to support the eLP. This concluded that for developments on greenfield sites in the low value area, such as this site, 10% of all units should be affordable. Moreover it concludes these rates are only viable when CIL is nil. It is understood that the proposed development would be liable for CIL to the tune of just over £950,000.
9. As set out above, some weight can still be applied to the evidence base supporting the eLP. In particular, it is notable that whilst the Council recognise in their report to the Selby and Ainsty Area Committee that some of the evidence base documents supporting the eLP will need updating, such as the Gypsy and Traveller Accommodation Assessment, the Strategic Flood Risk Assessment, highways modelling and evidence relating to the regeneration of Tadcaster, there is no suggestion that the Viability Report needs updating.
10. Policy HG7 of the eLP realises the evidence in the Viability Report by confirming the minimum requirement of 10% of homes to be affordable on greenfield sites in low value areas. Policy CARL-G of the eLP which relates solely to the appeal site, also stipulates this 10% minimum requirement. Even if these policies carry limited weight, the evidence behind them remains to be of significant bearing.
11. Overall, though I note that the appellant and the Council have commissioned viability assessments which both suggest more than 10% is achievable, I consider that only a 10% contribution is necessary to meet policy SP9 in this regard. This would accord with the conclusions of the recent appeal² where the Inspector

² Ref: APPU2750/W/24/3347885

considered that there is nothing in the Aspinall Verdi report to suggest 10% should be the starting point from which negotiations for a higher figure should begin. In addition, an appeal decision relating to a development in Hemingbrough³ noted that although SP9 required a maximum of 40%, the 20% provided by the development would be acceptable as it would reflect the eLP informed by the Viability Report. There is no suggestion in that decision that it was necessary to demonstrate if a greater proportion could be achieved.

12. With regard to other requirements, referred to in SP9, the Council consider that the development does not provide the required amount of open space. The adopted policy relating to open space is RT2 of the Selby Local Plan (2005), which states that for proposals of five dwellings or more, recreational open space should amount to 60 square metres per dwelling. This would equate to 1.2 hectares and it is agreed by the parties that the development would provide 1.2 hectares of public open space including play areas.
13. ELP policy IC3 sets out the type of open space that would be needed based on the anticipated population. The Council suggest that, when considered against this policy, the development would provide around only half the required open space.
14. The officer report says that it is not appropriate to use policy IC3 as the Council have no evidence of the quantity or quality of the existing open space provision in Carlton and therefore to what extent additional provision is necessary. At the hearing it was confirmed that, in particular, it is the quality of the existing open space that has not been assessed.
15. Even before the decision to cease work was reached, the Council considered it was not appropriate to use policy IC3, and based on the lack of evidence to support that policy, I have no reason to disagree. Little weight can therefore be given to the proposal's conflict with that policy. Far greater weight can be given to the development's accordance with policy RT2.
16. In summary the provision of 10% of the dwellings in the development to be affordable would be an appropriate contribution to the provision of affordable housing. A completed section 106 agreement has been submitted which includes an affordable housing scenario securing 10%. This obligation accords with the tests in Regulation 122 of the CIL Regulations and so I have taken it into account. The alternative scenario in the agreement, of 13%, is unnecessary and I have had no regard to it. The development would accord with policy SP9, as set out above, and eLP policies HG7 and CARL-G.

Other Matters

S106

17. The S106 agreement includes a contribution towards healthcare based on the anticipated population of the development, for which there is no capacity at Beech House Surgery in Carlton. The additional floorspace necessary to meet the additional population, the cost of providing that and the resultant financial contribution has been justified in a letter from the NHS Humber and North Yorkshire Integrated Care Board.

³ Ref APPU2750/W/23/3327421

18. The education contribution is based on the expected pupil yield from the development and the capacity of existing schools. I understand that the nearest secondary school, Holy Family Catholic School, is due to close soon. However, there is considered to be sufficient capacity at the nearest secondary school, Brayton Academy, to accommodate pupils from the development as well as from, Holy Family. However, there is insufficient capacity at Carlton Primary School to accommodate the anticipated primary school age children. Likewise a development of the scale proposed would generate a need for a contribution to Special Educational Needs and Disabilities provision locally which is at Selby Special School, and to contribute to the provision of additional capacity at early years or pre-school facilities in Carlton. All the values have been calculated and justified in correspondence from the Council's Children and Young Peoples Service team.
19. It is necessary to mitigate the effect of additional traffic using the Mill Lane/High Street junction, and to that end the agreement secures funds to extend the existing yellow line painting at this junction. There is also an undertaking which secures funding to provide new signage for the public right of way which currently runs across the site, and the nearby national cycle network. Also an obligation is included to secure funds to allow the Council to monitor the Travel Plan.
20. An obligation to secure a contribution towards the provision of four waste bins per dwelling is also included, which has been justified by the Council's Waste team.
21. The agreement will also ensure that 3% of the houses are self or custom build homes, that the recreational open space within the site is provided, and that biodiversity enhancement management and monitoring plan improvements are provided.
22. All these contributions have been justified and I consider them to be reasonable in scale and kind to the development, are directly related to the development. and are necessary to make the proposal acceptable in planning terms. I consider therefore that they meet the three requirements of Regulation 122 and I have therefore taken them into account.

Habitat Regulations

23. The Humber Estuary Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site is around 8km east of the site. Its qualifying features include a number of bird species such as Golden Plover and Knot, and habitats such as Atlantic salt meadows.
24. The Lower Derwent Vally SPA, SAC and Ramsar site is around 9km northeast of the site. Its qualifying features include Bewick's swan, and habitats such as Alder woodland on floodplains.
25. The River Derwent SAC is located around 5km northeast of the site and the Thorne Moor SAC and Thorne & Hatfield Moors SPA are located about 8.5km to the south east. Their qualifying features are their habitats as a river with floating vegetation and as raised bogs. The shadow Habitat Regulations Screening Assessment (sHRSA) found no impact pathways between the site and these European sites.
26. With regard to the Humber Estuary and the Lower Derwent Valley European sites, the sHRSA identified that because the appeal site has been intensively farmed with mechanical equipment and the use of pesticides it provides limited potential for

foraging habitat for the cited bird species. In addition, the proximity of dwellings and the use of the track along its eastern edge for dog walking provide sources of human disturbance which the cited bird species would be sensitive to. Lastly, there are significantly more suitable habitats for the cited species nearby. These factors along with the limited recorded activity of any of the cited birds at the site mean the development and the loss of open farmland will not be likely to have significant adverse impacts on the qualifying features of these European sites. Therefore even in combination with any other plans or projects, the development would not be likely to result in a significant adverse impact. This view reflects that of the Council ecologist and Natural England.

Heritage

27. Carlton Towers is a Grade I listed building situated around 500m to the southwest of the appeal site. It is a large country house originally dating from the early 17th century set in substantial grounds. Its significance stems from its historical value as the prominent building in the village over many centuries, and its aesthetic value which includes a tall central clock tower which is visible over a wide area, including from the appeal site. Its setting is largely informed by the estate parkland in which it sits, which itself is of local interest, and which contributes positively to its significance. The wider village also makes a contribution, albeit limited, to its setting.
28. The clock tower is not readily visible from the front of the appeal site due to trees along much of the southern side of Mill Lane. However from further into the site, and from positions on Long Hedge Lane to the east and north, the tower is visible in the distance reinforcing its prominence in the landscape, with the appeal site in the foreground. The development would therefore be seen in the same views as the listed building, albeit most likely partly screened by the proposed vegetation around the boundaries of the site.
29. The houses along Mill Lane, as well as the spread of houses in Broadacres, are also visible in views towards the clock tower. As such, the relationship of houses with the heritage asset is well established. Moreover, views of the clock tower would remain to be visible above the proposed dwellings, due to their modest maximum heights which are set out on the parameters plan, and the fact that the houses would be set well back from Long Hedge Lane. Although the development would introduce a significant number of houses, it is not considered that the relationship of the listed building to its surroundings would be materially altered and so there would be no harmful effect on the setting of the listed building. Consequently there would be no adverse effect on the significance of the listed building.
30. Similarly, the significance of the estate parkland, as a non-designated heritage asset, is primarily its role as the grounds for Carlton Towers. The development would have no impact on the significance of this asset. The Council's opinion on the effect on heritage assets is consistent with my view.
31. There are other listed buildings elsewhere in the village, but the Council do not consider the site is within the setting of these assets and, given their distance from the site and the intervening development, I have no reason to consider otherwise.

Local concerns

32. I have given careful consideration to the concerns of local residents. Though the development would result in additional traffic using the Mill Lane/High Street junction, with the Transport Assessment (TA) anticipating around 100 extra vehicles in the AM and PM peak hours, it is considered that there will be no unacceptable impact on the operation of this junction with only minimal queuing and delay likely. It is also anticipated that very little traffic would choose to take the more indirect route to the A1041 via Townend Avenue. It is noted that the surveys to underpin the TA were conducted during the Covid pandemic. However this was explicitly compensated for in the assessment. Other nearby developments and a general increase in traffic to 2029 was also taken into account to ensure robustness. Improvements would also be made to the pedestrian environment along Mill Lane as well as to the High Street/Mill Lane junction as set out above. Construction traffic, and noise, would be for a limited period and the timing of this traffic could be controlled by a Construction Environmental Management Plan. The layout of parking within the site would be dealt with as a reserved matter. The lack of objection from the Local Highway Authority supports my view.
33. Details of the scale and appearance of the houses and the layout of the site, including parking, are not before me at this outline stage. Therefore matters of privacy, outlook or light at the nearest existing properties can only be assessed at the reserved matters stage. Similarly landscaping is a reserved matter.
34. The development would represent a significant enlargement of Carlton. However I recognise that the site has been allocated for 150 homes in the eLP, and although work has ceased on this, there is no evidence before me to consider that the site would no longer be considered as a possible allocation. Indeed, it is common ground that following the publication of the revised Framework, the Council's housing need has increased and there is therefore even greater pressure to provide homes. As such, although the site is outside the development limit boundary for Carlton, which results in conflict with Policy SP2 of the Core Strategy, its allocation in the eLP, in policies HG1 and CARL-G can be given weight. Indeed it was not suggested by the Council that the principle of the proposal can no longer be supported.
35. Drainage details for foul and surface water would be controlled by a planning condition which requires the provision of schemes to be approved by the Council.
36. As well as providing financial contributions towards the local primary school, early years facilities and medical facilities in Carlton, there would be an economic benefit to local shops and services.
37. Details of ecological enhancements would be provided at the reserved matters stage and a substantial part of the site, closest to the neighbouring wooded area to the south east, would be set aside for biodiversity.
38. The site is classified as Grade 3a Best and Most Versatile agricultural land. Core Strategy policy SP18 says development will be steered to areas of least agricultural quality. The officer report states that in the wider area, the land to the east of the High Street, including the appeal site, is of lower grade than that to the west. I have no reason to consider otherwise, so although the development would result in the loss of agriculturally productive land, it would not conflict with the policy.

Conditions

39. A list of conditions was provided, with comments by both parties. I have considered their comments as well as the advice in the Framework and the Planning Practice Guidance (PPG) in the final wording of the conditions.
40. Conditions relating to the commencement of the development, the submission of reserved matters and identifying the approved plans are necessary in the interests of certainty.
41. I have imposed a condition which requires 6% of the houses to meet Building Regulation M4(3) wheelchair user standard, and for all homes to meet the Nationally Described Space Standards. Although there is no adopted policy explicitly requiring this, it does reflect the advice in the 2020 Housing and Economic Development Needs Assessment. I consider it necessary in the interests of promoting equality and enabling balanced communities.
42. The three conditions relating to works to the highway, creation of visibility splays and the construction of the access are imposed in the interests of highway safety. I have altered the condition relating to the visibility splays to simplify it and so that it accurately reflects the plans, and I have altered the condition relating to works to the highway so that it is clear that the provision of the footway should not compromise the width of the carriageway. The condition relating to the Travel Plan is necessary to promote sustainable travel.
43. I have amended the condition relating to foul drainage to omit the requirement to demonstrate approval from the sewerage undertaker. This is because it is unlikely that the details required by the condition could be provided without the sewerage undertakers approval. In any case, the Council could consult that body if that approval was not explicit in the details provided. This condition, and that relating to surface water, are imposed to ensure the development is served by satisfactory drainage.
44. I have removed some of the items in the condition relating to a Construction Environmental Management Plan. This is because they are either covered by other items in the condition, other legislation or are unnecessary. The altered condition is necessary to protect the living conditions of nearby occupiers. Likewise the conditions relating to any soil contamination and foundation piling are imposed for the same reason. I have altered the wording of the condition relating to remediation so that it relates only to the part of the site in which remediation is needed as to delay development on other parts of the site would be unreasonable.
45. Two conditions relating to maintenance of the water mains that pass through the site and the electricity cables, are imposed in order to maintain existing infrastructure. I have slightly reworded the condition relating to the electricity cables so that such infrastructure would only be relocated underground if necessary.
46. In the interests of ensuring the site and its surroundings are protected from flooding, a condition is attached to ensure any flood water which exceeds the capability of the proposed drainage features is suitably managed.
47. As agreed by the parties, I have removed the requirement for the finished floor levels of the houses to be 300mm above the 1 in 100 year plus climate change flood level. The remainder of the condition is necessary in the interest of

maintaining the character and appearance of the area. For the same reason I have imposed a condition relating to the protection of existing trees.

48. The biodiversity net gain condition has been amended as agreed by the parties to simply require the submission of an updated biodiversity impact assessment with the reserved matters. Also the condition relating to bat sensitive lighting has been amended to refer solely to the lighting within the appellant's control. The Council confirmed street lighting would be bat sensitive anyway. These conditions are necessary in the interests of promoting biodiversity.
49. A condition is attached to secure the necessary open space, however I have removed the explicit reference for the local area for play and the locally equipped area for play to be designed to the standards set out in guidance as it would be within the Council's control to refuse to discharge these details if they are sub-standard.
50. The condition requiring a health impact assessment screening checklist has not been included as the Council agreed it was unnecessary.

Conclusion

51. The proposal would accord with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. Therefore the appeal is allowed.

A Owen

INSPECTOR

Schedule of Conditions

- 1) Details of the access (within the site), appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The 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.
- 3) The development hereby permitted shall be carried out in accordance with drawing nos 2337.01 and 17105/GA/02 Rev F.
- 4) The reserved matters application(s) shall conform with the approved parameter plan number 2337:04 Rev D.
- 5) The reserved matters application(s) shall provide details of the housing mix which is to be agreed in writing by the local planning authority. The details shall demonstrate that, as a minimum, the dwellings meet the Nationally Described Space Standards (2015) or any successor standards or policy; and how 6% of the dwellings will be built to Building Regulations M4(3) 'wheelchair user' standard. Where North Yorkshire Council has nomination rights M4(3) must be wheelchair accessible dwellings (constructed for immediate occupation), and in the market sector they must be wheelchair user adaptable dwellings (constructed to be adjustable for occupation by a wheelchair user). Development shall proceed in accordance with the approved details.
- 6) No development (excluding demolition, archaeological investigation, service diversions and any land remediation/ground improvement works) shall take place until detailed engineering drawings of the following have been submitted to and approved in writing by the local planning authority: a) All internal roads of the development; b) All works on drawing number 17105/GA/02 Rev F; c) Notes B to F inclusive on Detailed masterplan 2337.02 Rev D; d) The widening, to 2m where possible without encroaching onto the carriageway, of the footway on the northern side of Mill Lane from the application site frontage to the junction of Mill Lane with High Street; e) The emergency access to Broadacres Garth shown on Detailed Masterplan 2337.02 Rev D. The submission shall include an independent Stage 2 Road Safety Audit (commissioned in accordance with North Yorkshire Council protocol) carried out in accordance with 56 OFFICIAL GG119 - Road Safety Audits or any superseding regulations. The development shall proceed in accordance with the approved details. The works secured by criteria b to e inclusive shall be completed prior to the first occupation of any dwelling on the development.
- 7) The vehicle visibility splays of 2.4m x 47m to the east and 2.4m x 54m to the west, as shown on drawing number 17105/GA/02 Rev F, shall be free of any obstruction exceeding 0.6m in height. Pedestrian visibility splays of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of Mill Lane shall be free of any obstruction exceeding 0.6m in

height. All splays shall be provided prior to the first occupation of any dwelling on the development and retained as such thereafter.

- 8) No dwelling shall be occupied until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved and kerbed and connected to the existing highway network with any street lighting installed and in operation. The penultimate dwelling shall not be occupied until the access routes serving the development have been completed to wearing course level.
- 9) The Travel Plan October 2023 (Rev 2) shall be implemented in accordance with the details it contains.
- 10) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of surface water drainage for the whole site, including ground water pollution prevention measures, adoption/maintenance details and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall comprise sustainable urban drainage systems, unless comprehensive justification for other methods is agreed. Thereafter the drainage scheme shall be implemented and maintained in accordance with the approved scheme.
- 11) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of foul drainage for the whole site, including details of the means and extent of impermeable lining of foul sewers within ground water source protection zones, a timetable for its implementation and adoption/maintenance details has been submitted to and approved in writing by the local planning authority. Thereafter the foul drainage scheme shall be implemented and maintained in accordance with the approved scheme. There shall be no temporary storage of foul sewage on the site.
- 12) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction phase for the development. The plan shall include:
 - i) details of any temporary construction access(es) to the site including measures for removal following completion of construction works;
 - ii) details of onsite wheel and chassis underside washing facilities and methods of cleaning the highway;
 - iii) the parking of contractors', site operatives and visitor's vehicles;
 - iv) areas for storage of plant and materials used in constructing the development clear of the highway;
 - v) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries, loading and unloading areas;
 - vi) pre-development condition survey of the parts of Mill Lane that will be used by vehicles associated by the development;

- vii) details of development and delivery hours;
 - viii) erection of temporary security fencing;
 - ix) measures to control and monitor dust, dirt, noise and vibration emissions arising from the development;
 - x) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) location and type of temporary lighting and methods to prevent light nuisance and harm to bats;
 - xii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue at the site;
 - xiii) details of interception measures to avoid pollution of ground water source protection zones;
 - xiv) Details of the means of protecting trees and hedgerows during construction of the development, to be installed prior to the commencement of other elements of the development and to be retained until the development adjacent to the tree or hedgerow is completed.
- 13) No foundation piling shall take place until a schedule of works to identify those plots affected and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place, until a site investigation and risk assessment has been undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors, and it shall be submitted to and approved in writing by the local planning authority.
- 15) Where remediation works are shown to be necessary, no development shall take place until a detailed remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works.
- 16) Prior to the occupation of the relevant phase of the development, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the local planning authority. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act.
- 17) In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the local planning authority. Following completion of measures identified in

the approved remediation strategy, a verification report must be submitted to and approved in writing by the local planning authority.

- 18) No building shall be located over or within 6 metres of the two water mains that pass through the site. Any tree, hedgerow or shrub planting within this protected area shall first be agreed in writing by the local planning authority. If the required stand-off distance is to be achieved via diversion or closure of the water main(s), the developer shall submit evidence to the local planning authority that the diversion or closure has been agreed with the relevant statutory undertaker.
- 19) The reserved matters application(s) shall include proposals to relocate, divert or place underground where necessary the electricity cables and related infrastructure that cross the site along the Mill Lane frontage and a timetable for doing so, for approval in writing by the local planning authority. This infrastructure shall be moved in accordance with the approved details.
- 20) The reserved matters application(s) shall include a flood water exceedance flow plan to be submitted to and approved in writing by the local planning authority. This shall include details of how the site design will ensure that when SuDS and or drainage features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site. Development shall be carried out in accordance with the approved details.
- 21) The reserved matters application(s) shall include details of finished floor levels of the dwellings, and existing and proposed surrounding ground levels, to be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 22) No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at reserved matters stage, without the written consent of the local planning authority. Any existing tree, shrub or hedge or any tree, shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective within a period of 5 years of completion of the landscaping scheme, must be replaced by another of the same species in the next available planting season.
- 23) The reserved matters application(s) shall include an up-to-date Biodiversity Impact Assessment which shall demonstrate a Biodiversity Net Gain of 10% and a methodology to ensure the submission of regular monitoring reports with remedial actions to achieve the objectives for 30 years from the date of completion of the habitat creation or enhancement. Biodiversity Net Gain shall be carried out in accordance with the approved details. The developer shall notify the local planning authority in writing within 14 days of the completion of the habitat creation and or enhancements that constitute the approved Biodiversity Net Gain scheme.

- 24) The reserved matters application(s) shall include a scheme of ecological enhancements for bats, birds and hedgehogs based on the measures outlined in the submitted Ecological Impact Assessment Report; hedgehog gaps in fences; a bat sensitive lighting scheme (not including street lighting) with particular avoidance of hedgerows and new/enhanced habitat; and an implementation schedule for approval in writing by the local planning authority. Development shall proceed in accordance with the approved details and the implementation schedule it contains.
- 25) The reserved matters application(s) shall include details of the public open spaces, a Local Area for Play (LAP) and a Locally Equipped Area for Play (LEAP) which are to be located within the public open spaces shown on the approved parameter plan. Development shall be carried out in accordance with the approved details.

Richborough

APPEARANCES

FOR THE APPELLANT

Jonathan Dunbavin	ID Planning Consultants
Mark Johnson	Johnson Mowat
Martin Carter	Barrister

FOR THE LOCAL PLANNING AUTHORITY

Martin Evans	Principal Planning Officer
Richard Welch	Planning Policy Officer
Diane Holgate	Principal Planning Officer
Glenn Sharpe	Council Solicitor
Jake Gamble-Schofield	Align Property Partners

DOCUMENTS PROVIDED AT THE HEARING

List of sold prices of houses in The Hawthornes, Carlton

Email exchange between Align Property Partners and the appellant regarding garage construction costs.