



Appeal Decision

Site visit made on 4 March 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/X1545/W/24/3348492

Land South of 97 South Street, Tillingham, Essex

- 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 Mr B Levy, Countryside Style Ltd against the decision of Maldon District Council.
 - The application Ref is FULM/MAL/23/01212.
 - The development proposed was originally described as 'residential development, formation of new vehicular and pedestrian access, associated open space, parking and landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for 'residential development of 11 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping' at Land South of 97 South Street, Tillingham, Essex in accordance with the terms of the application, Ref FULM/MAL/23/01212, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, a legal agreement between the main parties under section 106 of the Town and Country Planning Act 1990 (as amended) dated 8 November 2024 ('the s106') defines the development as 'residential development of 11 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping'. To all intents and purposes, this reflects the description given on the Council's decision notice and entered on the appeal form by the appellant. As this accurately describes the proposal and has been used in the s106 agreed by both main parties, I have also used it in my formal decision.
3. The Council confirmed that the planning obligations within the competed s106 would overcome its third reason for refusal which related to a failure to secure affordable housing, provision for open space and healthcare and mitigation for effects on European designated sites. I have framed the main issues accordingly. Nevertheless, I return to the matter of planning obligations later in my decision.
4. The main parties were given the opportunity to make representations on a revised version of the National Planning Policy Framework ('the Framework') which was published in December 2024. As part of its comments, the Council confirmed that in light of the changes, its first reason for refusal was withdrawn. I have determined the appeal having regard to the parties' comments and the revised Framework.

Main Issues

5. The main issues are:

- i) whether or not the proposal would be in a suitable location having regard to its location in the countryside and the provisions of the development plan; and
- ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. Policy S8 of the Maldon Local Development Plan 2017 ('the LDP') sets out that sustainable development within defined settlement boundaries will be supported. It identifies a hierarchy of settlements in the District according to their size, level of service provision, local character and identified opportunities and constraints and classifies Tillingham as a 'smaller village'.
7. The appeal site is located between 97 South Street and Grange Road. It is adjacent to, but outside of, the defined settlement boundary of Tillingham and is therefore within the countryside in planning policy terms. In such locations, Policy S8 sets out that permission will only be granted for development where the intrinsic character and beauty of the countryside is not adversely impacted upon and the development is for specified purposes in accordance with other policies of the development plan or local planning guidance. The proposal for 11 dwellings would not fall within any of the specified types that Policy S8 indicates may generally be supported.
8. In these circumstances, the location of the development within the countryside would be contrary to Policy S8 of the LDP. It would also be contrary to Policy S1 of the LDP insofar as it includes provision seeking generally to direct housing growth to the most sustainable locations. I am accordingly unable to conclude that the proposal would be in a suitable location in accordance with the provisions of the development plan. Nevertheless, I note that the Council has withdrawn its objection to the proposal in this respect and I return to consider other material considerations that may be relevant to the proposal in my planning balance below.

Character and Appearance

9. The appeal site is within the 'Tillingham and Latchingdon Coastal Farmland' character area as identified in the Landscape Character Assessment 2006 ('the LCA'). Key characteristics of this area identified by the LCA include gently undulating arable farmland, distinctive long hedgerow boundaries on parallel axes and settlement patterns which follow underlying soils.
10. The site is part of a large open field to the south of a ribbon of development along South Street, and is marked by a belt of trees and vegetation running along its frontages to South Street and Grange Road. Together with surrounding agricultural land to the east and south, it reflects key characteristics of the host landscape, and contributes to the open and rural character and appearance of the countryside around this part of Tillingham. That said, existing residential development to the opposite side of South Street provides some sense that you have already entered or not yet left the village when travelling along South Street past the site.

11. The proposal would alter the site from open field to a housing development, with an inevitable and permanent change to the intrinsic character of the site and this part of the countryside which would be urbanising. The removal of trees and much of the existing vegetation along the site boundaries would further exacerbate the effect.
12. However, the proposal would effectively form a continuation of the existing ribbon of development along this side of South Street. The plots for the dwellings would not extend any deeper than development to the north, and while the dwellings themselves would be set back relative to the neighbour at 97 South Street, the building line beyond No 97 is not consistent. I also saw a similar relationship at Southfields opposite, and the proposed dwellings would further be set back a similar distance from Grange Road as those on Southfields. The pattern of development would not therefore stand out.
13. The closest dwellings to the north of the site are bungalows, but these vary in form and design and the wider streetscene is mixed including two-storey buildings opposite the site. The form, height and overall scale of the proposed dwellings would sit comfortably within this context and their detailed design and materials would reflect the generally traditional character of the area.
14. In addition, the Council has not disputed the appellant's Tree Survey Report which identifies that of the trees which are to be removed, a number would be recommended for removal in any case owing to their condition while most others are 'category C' low quality trees. One 'category B' good/moderate quality tree would be removed, but the proposal includes significant new planting including along the boundary to the rear of the dwellings and within open space adjoining the road frontages. This would help to offset the loss of existing vegetation. It would further provide for containment of the site and an appropriately sensitive transition to the adjacent open countryside.
15. Given these factors, I find that the development would assimilate well with its surroundings and would essentially be appreciated as a logical rounding off to the village. It would not be uncharacteristic in the receiving landscape, and the impression of intrusion or encroachment into the countryside would be very limited. In my assessment, effects on the landscape and character of the area would consequently be slight and very localised, and I am satisfied that the proposal would not compromise the identity of Tillingham.
16. In terms of visual effects, the appellant's Landscape and Visual Impact Assessment ('LVIA') identifies that views of the development would be possible from a relatively small visual envelope. It would be clearly apparent from dwellings to the north and west of the site where the LVIA indicates it would become the dominant feature of views causing a severe adverse effect, albeit reducing to major adverse by year 15 as new planting matured and softened views. The development would also be a noticeable component in views from a Public Right of Way ('PROW') crossing the agricultural land to the east. However, I saw that there is already some appreciation of the Southfields development in these views. Screening by new planting would also help to soften views of the development and I agree with the LVIA that the effect would be no more than moderate adverse by year 15. There would be some further potential views of the development including from properties on Grange Road and public views from PROWs to the north, but these would be filtered and partly screened by existing vegetation. The Council has not disputed the LVIA's

assessment that effects on these receptors would be slight by year 15 and I agree that this would be reasonable. Moreover, I have already found that the proposal would relate well to Tillingham. While there would be changes to existing views, the development would not therefore be incongruous.

17. Drawing these matters together, I find that the change from an open field to a housing development and loss of existing vegetation would inevitably cause some erosion of the rural character and appearance of the site and the countryside setting of Tillingham. However, I am satisfied that development would integrate well with Tillingham and that effects on the landscape would be minor and localised. Visual effects would also be relatively limited in extent, experienced mainly by users of the PROW to the east and the closest neighbouring dwellings.
18. For these reasons, I conclude that there would be only very modest harm to the character and appearance of the area. Nevertheless, the harm would put the proposal in conflict with Policies S1, S2, S8 and D1 of the LDP insofar as they seek broadly to protect and enhance the natural environment and the intrinsic character and beauty of the countryside as well as development that maintains rural character and that respects and enhances local context including in respect of landscape setting.

Other Matters

Loss of Agricultural Land

19. The Framework sets out that economic and other benefits of best and most versatile ('BMV') agricultural land should be recognised. The appellant's planning statement suggests that some of the appeal site may comprise BMV agricultural land and the loss of this land would weigh against the proposal. However, I note that while the Council's evidence acknowledges the loss of agricultural land as a disadvantage, effect on BMV land is not a reason for refusal. Furthermore, any impact on provision would be minimal. Given this context, the potential effect on BMV agricultural land attracts limited weight against the proposal.

European Designated Sites

20. In circumstances where a proposal is likely to have a significant effect on a European Site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), there is a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment ('AA'). In accordance with the Framework, Ramsar sites should be given the same protection.
21. The information before me indicates that the appeal site is within the Zone of Influence of European Sites and Ramsar sites which are scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS') and which are vulnerable to the effects of recreation. Given that the proposal includes new dwellings within an area that could contribute additional visitors to the RAMS sites, it could increase recreational pressure with a likely significant effect on the designated sites.
22. In order to mitigate potential recreational effects of development, the s106 includes a financial contribution in accordance with the RAMS which outlines a strategic mitigation solution endorsed by Natural England. Provided mitigation measures

identified in the strategic solution are appropriately secured, Natural England indicates that the proposal would not result in adverse effects on the integrity of European Sites from recreational disturbance.

23. I am satisfied that the intended mitigation would be properly secured by the s106. Given that adequate mitigation for recreational effects would be appropriately secured, I find within the framework of an AA that the proposal would not adversely affect the integrity of the relevant SPA, SAC and Ramsar sites included within the Essex Coast RAMS, either alone or in combination with other plans and projects. Accordingly, there would be no conflict with the Habitats Regulations.

Other Appeal Decisions

24. The Council has drawn my attention to a dismissed appeal proposing 5 dwellings on Vicarage Lane¹, outside of the Tillingham settlement boundary. That proposal was found to be contrary to the spatial strategy and harmful to the intrinsic character and beauty of the countryside, consistent with my findings in this case. However, harm was also identified to the significance of the Tillingham Conservation Area ('the CA') and a non designated heritage asset and to highway safety which are not part of any reason for refusal here. The decision additionally referred to a healthy housing land supply of around 5.97 years. The circumstances are not therefore directly comparable to those in this appeal.
25. I also note references to previous proposals on land including the appeal site which have been refused permission and in one case dismissed at appeal, but the information before me indicates that these related to significantly larger proposals for 85 and 90 dwellings on a much wider site which would also have extended close to the CA boundary. Given these differences, the circumstances and effects of those schemes would not be directly comparable to the appeal before me which I have considered according to its individual merits.

Additional Matters Raised in Representations

26. The proposal would generate traffic, but the technical evidence before me indicates that increases in vehicle movements would be negligible and that safe access would be provided so that the highway network would not be adversely affected. Parking would also be provided in accordance with relevant standards. The Highway Authority has not objected to the proposal and I have no firm reason to conclude differently.
27. Furthermore, there would be reasonable separation between the site access and neighbouring dwellings and while there would be parking provided close to the boundary with No 97, the small number of spaces would result in relatively few vehicle movements. In my judgement, there would not be significant noise or disturbance associated with additional traffic so as to detract from living conditions in the area. There would be potential for disturbance during the construction period, but any effects would be short-term, and could be mitigated by careful construction management with details secured by a planning condition.
28. The proposal is accompanied by a Flood Risk Assessment and Drainage Strategy which identifies that the site has a low probability of fluvial flooding. While there are areas at low risk of overland surface water flooding along the frontage and southern

¹ Appeal ref APP/X1545/W/23/3333441

boundaries, properties here would be raised and there would be provision of new surface and foul water drainage to manage water within the site. Essex County Council as the Lead Local Flood Authority have no objection to the proposal and subject to suggested conditions including requirements for additional details of drainage works and future maintenance, I am satisfied that the proposal would not unacceptably increase flood risk.

29. Similarly, the submitted Ecological Assessment, Reptile Survey and Winter Bird Survey identify measures, including control over lighting, which I am satisfied would ensure the conservation and enhancement of protected species and biodiversity and which could be secured by conditions.
30. Interested parties refer to existing pressure on local services and utilities. However, the proposal would make contributions through the s106 towards local infrastructure provision where specific requirements have been identified by responsible bodies and there is no substantive evidence before me to demonstrate that it would place undue pressure on services. Nor that it would result in a requirements for additional capacity that could not be met.
31. The appeal site is over 100m from the CA. From the evidence before me and having regard to the scale of the proposal, its localised visual impact and limited effect on rural character as well as its relationship with the CA, I am satisfied that there would not be tangible harm to the setting of the CA. Given the limited scale and effect of the proposal, I similarly see no reason that there would be any tangible detriment to tourism.
32. I acknowledge comments that granting planning permission could set a precedent for further development including on the wider landholding to the rear of the appeal site. However, each application and appeal must be determined on its individual merits, and it is not clear that the particular circumstances of the appeal proposal including its close relationship to surrounding development would be likely to be repeated elsewhere. Accordingly, I do not find a generalised concern of this nature would justify withholding permission in this case.
33. I have taken into account the representations made by interested parties including Tillingham Village Council and note the strength of feeling. However, I am satisfied that none of the other matters raised would result in a level of harm that would justify dismissal of the appeal, either individually or collectively, and they do not alter my findings on the main issues.

Planning Obligation

34. I have considered obligations within the submitted s106 in light of tests outlined at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations'). These tests require that obligations (other than those requiring a sum to be paid in respect of monitoring) are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
35. The s106 provides that five of the proposed dwellings would be affordable, and requires a scheme to be submitted which would, amongst other things, provide for three rented and two shared ownership properties. The provision of 45% of the proposed dwellings as affordable would exceed the 25% that Policy H1 of the LDP requires in this area. However, provision of affordable housing in excess of

requirements is one of the benefits of the proposal advanced by the appellant and I have given this weight as part of my assessment. I therefore consider that the stipulated provisions relating to affordable housing would be necessary to make the development acceptable in planning terms.

36. I have found above that obligations relating to the RAMS contribution would be necessary to mitigate the effects of the proposal on European designated sites. Other obligations relating to provision and maintenance of open space would be necessary to meet needs of future occupiers of the site. A further obligation provides for a financial contribution towards healthcare which a representation from Mid and South Essex NHS indicates would be necessary to address additional demand on primary care surgeries from occupiers of the development. The s106 also includes Council covenants in relation to the use of contributions which would ensure that they were used for the intended purposes to make the development acceptable in planning terms and so would be necessary.
37. With regard to the evidence provided, I consider that all of these obligations would be required to address the impacts of the development, and I am satisfied that they would in each case be necessary to make the development acceptable in planning terms, directly related to the development proposed and fairly and reasonably related in scale and kind to it. I therefore find that each of the obligations would comply with the tests at Regulation 122(2) of the CIL Regulations which are reflected in the Framework and can be given weight. I have therefore taken them into account.
38. The s106 also includes provision for a monitoring fee. From the information before me, I have no firm reason to doubt that this would be fairly and reasonably related in scale and kind to the development and estimated costs of monitoring. On that basis, the provision would accord with Regulation 122(2A) of the CIL Regulations.

Planning Balance

39. Interested parties refer to existing vacant homes and planning permission for dwellings in Tillingham that have not been built, but the Council confirms that it is unable to demonstrate a 5-year supply of deliverable housing sites following revisions to the Framework, with a current supply position of 2.7 years.
40. As a consequence, the presumption in favour of sustainable development outlined at paragraph 11 d) of the Framework would be engaged. There are no Framework policies that protect areas or assets of particular importance which would provide a strong reason for refusing the development. The presumption therefore provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
41. I have found that the proposal would not be in a suitable location having regard to its position within the countryside outside of a designated settlement boundary in conflict with Policies S1 and S8 of the LDP.
42. However, the evidence before me indicates that there are a number of services available in Tillingham including a convenience shop, medical centre, primary school, village hall, play and sports/social facilities. Occupiers of the development

would be likely to need to travel to access a full range of services as well as employment, and while there are bus stops in Tillingham served by routes including one which stops at Southminster rail station, services are relatively infrequent such that there would be likely to be a reliance on private vehicles. Even so, the potential for access to some day to day services reasonably locally to the site would help to moderate the need to travel and journeys by private vehicles. Effects of travel associated with 11 dwellings are also unlikely to be significant. Moreover, the absence of a 5 year housing supply indicates that housing requirements are not currently being met within settlement boundaries.

43. I acknowledge that the Framework emphasises that the planning system should be genuinely plan led, but these factors mean that I afford limited weight to the conflict arising from the location of the site.
44. I have also found that there would be harm to the character and appearance of the area. This would result in conflict with Policies S1, S2, S8 and D1 of the LDP and would be contrary to the Framework insofar as it seeks development that recognises the intrinsic character and beauty of the countryside. Nevertheless, the harm would be modest and localised, and the development would assimilate well with its surroundings over time. Furthermore, the adverse effects of the proposal largely stem from the almost inevitable consequences of development on open countryside in an area where housing requirements are not currently being met within settlements.
45. The loss of agricultural land which may include 'BMV land would be contrary to the Framework insofar as it sets out that the economic and other benefits of such land should be recognised. However, the impact on overall provision would be minimal.
46. Conversely, the 11 dwellings proposed would make a relatively small but important contribution to reducing the housing supply shortfall which I consider to be significant. The Framework highlights the Government's objective to significantly boost the supply of housing. It further identifies that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area, and that windfalls should be supported. In this context and given the current housing supply position, the delivery of housing on the site would be an important benefit attracting significant weight.
47. In addition, the Council's evidence indicates that affordable housing delivery has fallen well short of requirements and that there is a significant need for more affordable dwellings in the district. The proposal includes 45% affordable housing provision, equivalent to five dwellings. Although the number of dwellings would be relatively small, the proposal would exceed the 25% provision that LDP Policy H1 requires in this area. Furthermore, the mix of dwelling sizes may not directly reflect that sought by the Local Housing Needs Assessment, but the information before me suggests that the three proposed three-bedroom rented properties are particularly in need. Having regard to these factors and provision in the Framework seeking to ensure that housing needs of different groups are met, I afford significant weight to the provision of affordable housing.
48. There would be economic and social benefits associated with the proposal, including employment during construction as well as spending and support for local services by future occupiers. However, these have not been quantified in the evidence before me and would be likely to be fairly limited on account of the scale

of the development. Employment opportunities would further be largely temporary during construction. I give moderate weight to these benefits.

49. I also give moderate weight to the ecological enhancement measures that would be provided as part of the development which would accord with objectives in the Framework for enhancement of the natural environment and biodiversity. Improvements to pedestrian footways in the vicinity of the site would support travel on foot in line with Framework objectives to promote sustainable travel modes. Given the relatively limited onward connections towards the south however, this would be likely to primarily serve occupiers of the site rather than the wider community, limiting the weight that I afford to this as a further benefit of the proposal.
50. Taking account of all of the above, I find that the proposal would conflict with the development plan when it is read as a whole. Nevertheless the modest adverse impacts of the development would not in my judgement come close to significantly and demonstrably outweighing the cumulative benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out in paragraph 11 d) of the Framework therefore indicates that permission should be granted and I find that material considerations would outweigh the conflict with the development plan.

Conditions

51. I have considered suggested conditions against the tests set out in the National Planning Policy Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency, including to omit unnecessary prescription of details that would be a matter for the Council to consider as part of the assessment of future submissions. I have also combined some conditions in the interests of succinctness.
52. Condition 1 is the standard time limit condition, and I have imposed condition 2 for the avoidance of doubt and in the interest of certainty.
53. Condition 3 is necessary in the interests of highway safety and convenience and neighbouring occupiers' living conditions. Condition 4 is necessary to safeguard heritage assets of archaeological interest. Conditions 5, 6, 11 and 15 are necessary in the interests of biodiversity. Conditions 7, 8, 13 and 14 are necessary to secure adequate provision to ensure that flood risk would not be increased and to prevent pollution. The appellant had suggested that condition 8 would duplicate condition 7. However, condition 8 relates to measures during the construction stage whereas condition 7 would provide for drainage on occupation of the development. Given these different stages and that the final drainage scheme would be unlikely to be in place throughout construction, I consider both conditions would be necessary. Condition 9 is necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers.
54. Conditions 3-9 each require matters to be approved before development commences as measures would need to be in place to address effects arising during construction and/or to ensure that adequate provision can be made as part of the development. The appellant has agreed to these pre-commencement conditions.

55. Condition 10 is necessary in the interests of the character and appearance of the area. Condition 12 is necessary to support quality communications, but I have not been directed to any specific requirement for provision of superfast broadband. I have therefore amended the suggested condition to instead require high speed broadband as is referenced in Policy S1 of the LDP. Conditions 16, 17, 18 and 19 are necessary in the interests of highway safety and to promote use of sustainable transport modes.
56. Condition 20 is necessary in the interests of the living conditions of neighbouring and future occupiers. Conditions 21 and 22 are necessary in the interests of living conditions and the character and appearance of the area. The landscaping scheme subject of condition 21 includes details of boundary treatment and I am unclear why a separate suggested condition to require submission of further details would be necessary. I have not therefore imposed it.
57. Finally, condition 23 is necessary to secure the development as proposed in the interests of mixed communities in accordance with objectives of the development plan.

Conclusion

58. The proposal would conflict with the development plan when it is read as a whole, but there are material considerations which indicate that planning permission should in this case be granted other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 21/20/01, 21/20/05, 21/20/15 Rev B, 21/20/16 Rev A, 21/20/18 Rev A, 21/20/19 Rev A, 21/20/20, 21/20/21, 21/20/23, 21/20/24, 21/20/25, 21/20/26, 21/20/27, 2108-601-2 001E, 2108-601-2 002E, 2021-601-2 005B and 2022_088 002 Rev E.
- 3) No development, including site clearance, preparatory works or groundworks, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of:
 - i) provision of parking for operatives and contractors within the site;
 - ii) storage of plant and materials used in constructing the development;
 - iii) wheel washing and underbody washing facilities;
 - iv) measures to control the emission of dust, dirt and mud during construction;
 - v) soil storage management;
 - vi) a scheme to control noise during the construction phase;
 - vii) hours of working; and

- viii) details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

- 4) No development, including site clearance or groundworks, shall commence until:
 - i) an archaeological assessment by an accredited archaeological consultant has been submitted to and approved in writing by the Local Planning Authority. The archaeological assessment shall establish the archaeological significance of the site and inform the implementation of a programme of archaeological work; and
 - ii) the implementation of a programme of archaeological work by an accredited archaeological contractor has been secured in accordance with a Written Scheme of Investigation ('WSI') which has first been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved programme of archaeological work and WSI.

- 5) No development, including site clearance or groundworks, shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - i) risk assessment of potentially damaging construction activities;
 - ii) identification of biodiversity protection zones;
 - iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including precautionary method statements for Great Crested Newts, nesting birds, and small mammals;
 - iv) the location and timing of sensitive works to avoid harm to biodiversity features;
 - v) the times during construction when specialist ecologists need to be present on site to oversee works;
 - vi) responsible persons and lines of communication;
 - vii) the role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person; and
 - viii) use of protective fences, exclusion barriers and warning signs.

The development shall be carried out in full accordance with the approved details within the CEMP: Biodiversity throughout the construction period.

- 6) No development, including site clearance or groundworks, shall commence until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include:
 - i) purpose and conservation objectives for the proposed works;
 - ii) review of site potential and constraints;
 - iii) detailed design(s) and/or working method(s) to achieve stated objectives;
 - iv) maps and plans showing the extent and location/area of proposed works;
 - v) the type and source of materials to be used where appropriate, e.g. native species of local provenance;

- vi) a timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii) persons responsible for implementing the works;
- viii) details of initial aftercare and long-term maintenance of the Receptor area(s);
- ix) details of monitoring and remedial measures; and
- x) details of the disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 7) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but is not limited to:
- i) limiting discharge rates to 1/7l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event;
 - ii) demonstration that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event;
 - iii) provision of 10% urban creep allowance;
 - iv) treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753 (or equivalent guidance if replaced);
 - v) detailed engineering drawings of each component of the drainage scheme;
 - vi) a final drainage plan which details exceedance and conveyance routes, finished floor level and ground levels, and the location and sizing of any drainage features; and
 - vii) a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The drainage scheme shall be implemented in accordance with the approved details before the development is first occupied.

- 8) No development shall commence until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater and to prevent pollution during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.
- 9) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- i) a full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens; and
 - ii) full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 10) No development above proposed ground level shall take place until a schedule of the types and colour of the materials to be used in the external finishes of the

buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and shall be permanently retained as such thereafter.

- 11) No development above proposed ground level shall take place until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall include:
- i) the purpose and conservation objectives for the proposed enhancement measures;
 - ii) detailed designs or product descriptions to achieve stated objectives;
 - iii) locations, orientations, and heights of proposed enhancement measures by reference to maps and plans;
 - iv) a timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - v) persons responsible for implementing the enhancement measures; and
 - vi) details of initial aftercare and long-term maintenance (where relevant).

The development shall be implemented in accordance with the approved Biodiversity Enhancement Strategy before the development is first occupied and shall be permanently retained as such thereafter.

- 12) No development above proposed ground level shall take place until a strategy to provide at least 'high speed' broadband for occupiers of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the strategy before the development is first occupied and shall be permanently retained as such thereafter.
- 13) No development above proposed ground level shall take place until details of a foul drainage scheme to serve the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied and shall be permanently retained as such thereafter.
- 14) The development hereby permitted shall not be first occupied until a maintenance plan detailing the maintenance arrangements for the surface water drainage system pursuant to condition 7 has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include details of the body(ies) responsible for different elements of the surface water drainage system, the maintenance activities/frequencies, and, should any element be maintainable by a maintenance company, details of long term funding arrangements to secure the effective operation of the system for the lifetime of the development. The plan shall also make provision for the keeping of yearly logs of maintenance carried out in accordance with the approved maintenance plan.

The sustainable drainage system shall be managed and maintained in accordance with the approved maintenance plan, and yearly logs of maintenance shall be available for inspection on request by the Local Planning Authority.

- 15) The development hereby permitted shall not be first occupied until a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (or equivalent if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site

that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. External lighting shall only be installed in accordance with the specifications and locations set out in the scheme and shall be permanently retained as such thereafter.

- 16) The development hereby permitted shall not be first occupied until full details of the access arrangements and off-site highway works, as shown in principle on drawing no. 21/20/15 Rev B have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i) provision of minimum visibility splays of 2.4m x 43m clear to ground, as measured from and along the nearside edge of the carriageway;
 - ii) a bellmouth access with minimum radii of 6m with dropped kerb crossing points across it;
 - iii) provision of a 2m wide footway along the site frontage to the north; and
 - iv) provision of a pair of dropped kerb pedestrian crossings, with tactile paving, from the new footway across South Street.

The access arrangements and off-site highway works shall be implemented in accordance with the approved details before the development is first occupied and shall be permanently retained as such thereafter.

- 17) The development hereby permitted shall not be first occupied until vehicle parking and turning areas have been provided in accordance with the approved plans and have been hard surfaced, sealed and marked out. The parking and turning areas shall thereafter be retained for the parking and turning of vehicles only.
- 18) The development hereby permitted shall not be first occupied until details of the content and distribution of a Residential Travel Information Pack for the development have been submitted to and approved in writing by the Local Planning Authority. Residential Travel Information Packs shall thereafter be provided to the occupiers of dwellings in accordance with the approved details.
- 19) Before each dwelling is first occupied, bicycle parking facilities for that dwelling shall be provided in accordance with the approved plans and shall thereafter be retained for that purpose.
- 20) Before each dwelling is first occupied, any first-floor window in a north or south side elevation shall be glazed with opaque glass and of a non-openable design, with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level). The windows shall be permanently retained as such thereafter.
- 21) The hard and soft landscape works and boundary treatments shall be carried out in accordance with drawing no. 2022_088 002 Rev E.

The hard landscape works and boundary treatments shall be carried out as approved before the development hereby permitted is first occupied and shall be permanently retained as such thereafter.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby permitted unless otherwise agreed in writing by the Local

Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 22) During construction of the development hereby permitted, any trees within or near to the site which are to be retained shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' (or equivalent if replaced) and shall not be lopped or felled other than in accordance with the Tree Survey Report Rev A (May 2023). The protection measures shall be implemented prior to any works, including site clearance, and shall be retained for the entire period of the duration of any work at the site in connection with the development hereby permitted.
- 23) The development shall be implemented in accordance with the dwelling mix hereby approved, comprising:
- Open market houses:
- 2 No. 2 bed dwellings,
 - 3 No. 3 bed dwellings,
 - 1 No. 4 bed dwelling.
- Affordable dwellings:
- 2 No. 1 bed shared ownership dwellings,
 - 3 No. 3 bed rented dwellings.

End of Schedule