



Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal Ref: APP/J1915/W/24/3353714

Land Off of London Road, Buntingford SG9 9JN

- 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 Wheatley Group Developments against the decision of East Hertfordshire District Council.
 - The application Ref is 3/23/1390/FUL.
 - The development proposed is the erection of 68 Dwellings and all associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 68 dwellings and all associated works at land off London Road, Buntingford SG9 9JN in accordance with the terms of the application 3/23/1390/FUL, subject to the conditions set out in the schedule to this decision notice.

Preliminary Matters

2. With agreement, a S106 agreement was submitted after the Hearing to allow time for it to be signed at sealed. The S106 is a material consideration to which I return to later.
3. As part of their appeal submission the appellant submitted five plans which included a revised layout for the proposed development. The revisions are minor in nature, and I am satisfied that no one would be prejudiced were I take them into account in my determination. I have proceeded on that basis.
4. Prior to the Hearing the Council confirmed that due to the publication of the revised National Planning Policy Framework (the Framework) in December 2024 it is not able to demonstrate a five year housing land supply. An interim position in that respect has been agreed with the appellant, for the purposes of this appeal at between 3.4 and 3.7 years. As a result, the Council is now of the view that paragraph 11dii of the Framework is engaged and that the adverse impacts of the proposal by virtue of its reasons for refusal one and two (location and character and appearance) would not outweigh the benefits when assessed against the policies of the Framework as a whole.
5. Furthermore, agreement has been reached with the appellant regarding the drainage strategy which is supported by the Lead Local Flood Authority (LLFA). In addition the drafted S106 agreement secures contributions towards relevant infrastructure as well as the provision of affordable housing. Consequently the Council confirmed at the Hearing that its reasons for refusal 3 and 4 regarding

drainage and infrastructure have been satisfactorily addressed. I will address these matters below.

Main Issues

6. The main issues are:

- Whether the proposal is in an acceptable location having regard to development plan policy and the Framework;
- Whether the appeal site is in an accessible location;
- Whether the proposal results in an unacceptable loss of agricultural land; and
- The effect of the proposal on the character and appearance of the area

Reasons

Location

7. Policy DPS2 of the East Hertfordshire District Plan 2018 (the DP) sets out the development strategy for the district which follows a hierarchical pattern. Development is primarily directed to sustainable brownfield sites and then to sites within the urban areas of the five market towns of which Buntingford is one. Outside of the urban areas is considered to be open countryside where development is strictly controlled in accordance with Policy GBR2 of the DP and Policy HD1 of the Buntingford Community Area Neighbourhood Plan 2014-2031 made in 2017 (the NP) which both list the types of development that will be acceptable, none of which include housing as proposed on the appeal site. The proposal is therefore contrary to the spatial strategy contained within policies DPS2 and GBR2 of the DP and Policy HD1 of the NP.
8. At the Hearing I also took some time to consider Policy BUNT1 of the DP with which the Council also allege conflict. It was explained at the Hearing that the Policy was included in the DP as Buntingford, at the time, was experiencing high demand for housing development and a substantial level of development had been granted planning permission since 2011. It is those planning permissions which are reflected in the allocations within Policy BUNT1 together with a proportion of the windfall allowance for the District. The Policy therefore allocates a minimum of 1074 homes to be provided in Buntingford.
9. I heard from local Councillors at the Hearing that there had, since that time, been substantial growth in Buntingford with a number of ad hoc planning permissions granted over and above the level anticipated at the time of the drafting of the DP. The Council subsequently confirmed that between 2011 and 2025 1449 houses had been completed and 2070 approved. A further planning application for 600 houses is under consideration. This had had consequent impacts in terms of a lack of infrastructure, which has not increased at the same rate and the loss of open countryside harmfully impacting on the setting of Buntingford and resident's experience of the character and appearance of the area.
10. I appreciate it is not ideal that applications are coming forward without the benefit of master planning for Buntingford. However, the impacts that were articulated at the Hearing are those which I will consider as part of this appeal. Furthermore,

those impacts are considered in light of planning permissions that have been implemented and those that are extant.

11. Consequently, I find no conflict with Policy BUNT1 which allows for a minimum number of dwellings as well as a windfall allowance.

Accessibility

12. The DP describes Buntingford as a town with an extensive range of services and facilities to serve the day to day needs of the residents, However, it is also acknowledges that it is not served by a railway and the bus service connections to other settlements are poor and therefore in common with many other rural settlements there is a reliance on the car to access larger settlements for employment, leisure and comparison shopping trips. In addition, Policy T1 of the NP requires minimum parking standards which are slightly higher than those in the DP due to the specific accessibility issues and to minimise transport impacts of on-street parking.
13. I saw at my site visit that although Buntingford has services and facilities, the appeal site is located to the southern end of the town necessitating a lengthy walk to the centre to access many of those services and facilities. This brings the proposal into conflict with Policy TRA1 of the DP which requires that development proposals should primarily be located in places which enable sustainable journeys to be made to key services and facilities.
14. Nevertheless, the Highway Authority is currently in the process of implementing the Buntingford Active Travel Improvements Scheme along London Road which has involved the introduction of a 3.5 metre wide shared use path for pedestrians and cyclists, which I saw at my site visit is well used. Furthermore, there will be a reduction in the speed limit and new bus stops to serve the First School development south of the appeal site together with new crossing points to London Road.
15. Also, the S106 includes planning obligations which secure contributions towards the on demand bus service as well as a sustainable, active and accessibility transport contribution which covers a range of projects in Buntingford to improve accessibility including a new bus service linking to Broxbourne railway station and Hoddesdon industrial area. Moreover, a further obligation requires that a travel plan be submitted and approved and then monitored over subsequent years.
16. I am satisfied therefore that the proposal although outside the settlement boundary and to the southern end of the town is in a location which can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes as well as prioritising sustainable transport modes as required by paragraphs 110 and 115 of the Framework.
17. Nevertheless, for the reasons above the proposal would not be in an accessible location as envisaged by Policy TRA1 of the DP with which it would be in conflict.

Agricultural land

18. The Framework identifies the best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification (BMVAL). Policy DES2 of the DP requires that development proposals must demonstrate how they

conserve, enhance or strengthen the character and distinctive features of the district's landscape.

19. The appellants Agricultural Land Classificational and Considerations Report (ALCCR) details that the appeal site consists of about 54% (or 1.8ha) BMVAL with 30% of that being grade 2. This is not disputed by the Council.
20. The Framework makes little distinction between the grades within the overall BMVAL classification, other than at Footnote 65 where it states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality".
21. I appreciate that there is no definition of significant, in this context, within the Framework. However, given the amount of land classified as BMVAL on the appeal site then the harm caused by its loss would be limited. This is especially so given that a large proportion of the land in the immediate area is also likely to be BMVAL. Furthermore, the ALCCR states that the economic benefits of the site are limited at under £500 per annum over the BMVAL. In the absence of any compelling evidence to the contrary I see no reason to disagree.
22. Therefore, while there is some conflict with Policy DES2 and the Framework regarding the loss of BMVAL, there would be limited resultant harm.

Character and appearance

23. The appeal site is located within the Wyddial Plateau Local Character Type as identified by the East Hertfordshire District Landscape Character Assessment (2007) (the LCA) which is between the valleys of the River Quin and the River Rib. Key characteristics of the area are gently undulating plateau, predominantly arable land use, medium to large field sizes and small to medium discrete woods. I saw this to be the case at my site visit. The area outside of Buntingford to the east has a very open character with extensive views over the undulating land.
24. The LCA states that there are a number of visual impacts in the area particularly towards Buntingford. Some of the developments, particularly on the eastern edge of Buntingford are unscreened and prominent. However, I did not find this to be wholly the case. There has been considerable development on the eastern side and the associated landscaping means that most of the housing is well screened. Some of the most prominent in views from the Public Rights of Way (PROW) to the east are on Owles Lane. However, even these only appear occasionally in views when walking through the landscape due to its undulating nature. The new development to the south of the appeal site is more visible intermittently through the emerging landscaping. Nevertheless, overall the view is of open arable land with the edge of Buntingford marked predominantly by trees and landscaping.
25. Consequently, the area has a strong rural character and appearance typified by arable fields with field boundaries marked by hedges and trees. Given the recent developments this is one of the few areas where the open countryside still comes close to the built up area of Buntingford, enabling residents to access the countryside easily and quickly. The narrow nature of Owles Lane makes it conducive to walking and I saw dogwalkers at my site visits making use of it to access the countryside. Development on Owles Lane consists of detached houses set back from the road with mature gardens. This together with the landscaping to the north of Owles Lane creates a pleasant country lane.

26. The appeal site mainly consists of part of a larger arable field which is bound predominantly by hedgerows and trees although is open to Owles Lane. It therefore contributes positively to the rural character and appearance of the area.
27. The proposal to erect 68 houses would inevitably erode the rural character and appearance of the area as well as its openness through the loss of the open arable land and the erection of houses together with all the residential paraphernalia which would extend the built form further into the countryside.
28. However, the houses which would front Owles Lane would be set back from the road in line with the existing development behind an estate road and planting. They would therefore reflect the existing character and appearance of the built form, and the planting would contribute to landscape character.
29. The development would be most visible from the east, from both Owles Lane and certain points from PROW which bisect the area. Nevertheless, even here with the relatively large band of planting proposed for the eastern edge of the development the impact would be moderated such that it would, when mature, allow the appropriate integration of the development into the eastern edge of Buntingford reflecting existing development along this side of the town. The integration would be further reinforced by the provision of bungalows on the eastern half of the site further reducing the impact of the development, even when considering the differing land levels across the appeal site.
30. I accept that in the initial stages and before the landscaping reaches maturity there would be a major adverse visual effect both within Owles Lane and from further afield as concluded by the appellant's Landscape and Visual Impact Assessment. However, for the reasons above, over time I am of the view that this would reduce to a minor adverse effect from Owles Lane but would be negligible from further afield with the development integrating into the existing tree line which is visible. Indeed it may reduce the impact of the existing development on Owles Lane on views from the east.
31. Views from PROW to the west will be seen wholly within the context of existing built form and would not be unduly materially harmful.
32. While residents will need to walk further along Owles Lane to truly experience being in the open countryside, this will be a relatively short distance, and once beyond the housing the existing countryside and the public footpath network would be readily apparent and accessible as existing. The rural setting of the settlement would still be evident from views further afield with the impacts of housing on the eastern boundary of Buntingford being acceptably mitigated.
33. The design of the houses and the layout are not considered by the Council to be harmful, and I see no reason to disagree. There would therefore be no conflict with Policy DES4 of the DP or Policy HD4 of the NP regarding the specific design of built form.
34. For the reasons above, the proposal would be harmful to the character and appearance of the area. However these impacts would be localised and largely mitigated over time. There would though be conflict with Policies DES2 and GBR2 of the DP and Policies ES1 and HD2 of the NP. Together these require that development demonstrates how it conserves, enhances or strengthens the character and distinctive features of the districts landscape, protecting the

character and appearance of the rural area, maintain the Rib Valley setting of the Buntingford Community Area and be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside.

35. The Council also alleges conflict with Policy DES3 of the DP. However, that policy is specifically regarding landscaping. Reading the supporting text it appears that the policy concerns the loss of landscape features which in this instance does not include openness, which is more properly considered in Policy DES2. As there is no net loss of landscaping features then I conclude there is no conflict with this policy.

Section 106 Agreement

36. The Section 106 agreement contains a number of obligations securing financial contributions towards a variety of infrastructure in Buntingford including schools, health care, sustainable transport, leisure and sports facilities and waste recycling. Given that the proposal will increase the local population, and the policy requirements in the DP, then I am satisfied that the contributions are necessary to make the development acceptable and directly related to the development. Some of the contributions will also benefit existing residents and some will contribute to larger schemes to which other contributions have been sought from other developments. Therefore, I also consider that the contributions are fairly and reasonably related in scale and kind to the development. Furthermore, these contributions will appropriately address the valid concerns raised by local councillors at the Hearing regarding the provision of infrastructure.
37. Policy HOU3 of the DP requires the provision of up to 40% affordable housing on sites proposing 15 or more additional dwellings which is the case here. An obligation is included which secures 40% of the units as affordable with 75% affordable rent and 25% shared ownership which is a mix that has been agreed by the Councils housing officers.
38. There is also an obligation which secures the submission and approval of a Transport Plan as well as securing a sum of money to be used by the Highway Authority to monitor the measures in the Travel Plan supported by Policies DEL1 and DPS4 of the DP which seek contributions towards infrastructure to enable the delivery of sustainable development.
39. I am also satisfied that the requested monitoring fees are proportionate to the extent and amount of planning obligations and the various trigger points they contain.
40. There remains an area of dispute between the parties regarding Paragraph 2 of Schedule 7 of the agreement that was raised and discussed at the Hearing. In essence the County Council requires that the appellant request the repayment of any contribution within one year of the expiration of 10 years from payment.
41. The appellant is concerned that this places the onus on them over a long period of time and details may be mislaid in the interim time period. It seems to me though that this relates to the appellant's internal processes and, given the large amount of money involved, it is in the interest of the appellant to maintain appropriate records. Such a clause gives certainty to the County Council of the availability of money available which in any case the money would still need to be spent, by the County Council, only on a suitable provision serving the proposed development in

full compliance with Regulation 122 of the Community Infrastructure Regulations 2010 (the CIL Regs). I therefore consider for the purposes of this appeal that Paragraph 2 of Schedule 7 is reasonable and should be maintained as constructed.

42. I am satisfied therefore that the contributions are in accordance with the CIL Regs and paragraph 58 of the Framework. There would therefore be no conflict with policies DPS4, DEL1, DEL2, CFLR1, CFLR7, CFLR9, CFLR10 and HOU3 which seek the use of planning obligations to deliver infrastructure to enable the delivery of sustainable development including for open space, sport and recreation, community facilities, health and wellbeing and education.

Other Matters

43. Considerable issues have been raised regarding the issue of surface water drainage and the disposal of foul sewage for the development with concern raised regarding the capacity of existing infrastructure to adequately deal with the proposed increase in population.
44. I heard at the Hearing that the appellant has raised a pre-development enquiry with Thames Water seeking confirmation of capacity to deal with foul water. If there is not, then Thames Water has a duty to work with the developer to adequately provide that capacity.
45. Regarding surface water two options have been considered. The preference is for connection to the surface water sewer network which is again waiting for confirmation from Thames Water that the system has capacity. If not the fall back option is for deep infiltration.
46. The LLFA agreed at the Hearing that after discussion it is content with the appellant's proposals which can be appropriately secured through the imposition of conditions. In the absence of any compelling evidence to the contrary I see no reason to disagree. Consequently, there would be no conflict with Policies WAT1 of the DP which requires that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land or further downstream.
47. Concerns are also raised regarding highway safety and particularly the increase in use of London Road and the introduction of a new access point opposite a row of on street parking.
48. I visited the area at school pick up time and at peak hour of travel and observed the road conditions. At all times, the on street parking on London Road was in full use and this would be directly opposite the proposed access. The on street parking effectively reduces the width of the carriageway to a single lane only meaning that traffic must wait until the carriageway is clear before proceeding in either direction. I appreciate how the installation of a junction opposite this parking, given these existing circumstances, would raise concerns.
49. The appellant proposes to remove the two parking bays directly opposite the junction and replace them at the other end of the on street parking area. While the residents do not consider this to be an acceptable solution, the Highway Authority, which is the body with responsibility for highway safety in respect of this situation,

raise no objection. Furthermore, a specific condition is suggested to be imposed on any permission to seek further details of the access to London Road to be submitted and approved.

50. According to the appellant's Transport Assessment, the proposal would generate a total of 35 two way trips during the AM peak hour and 32 during the PM peak hour. The Highway Authority is satisfied that at this level of traffic generation there would be minimal impact on queuing and delay at the associated junctions. I see no reason to disagree.
51. Whilst on site I looked at the relationship of the proposed development with the house at No 16 Owles Lane. I saw that No 16 presents a side gable to the appeal site which has a Juliette balcony and windows at first floor. The house at plot 45 would be sited well away from the boundary and would be one and a half storeys in height. There would be a window in the side elevation facing No 16 but this would be at ground floor level and so any opportunity for overlooking would be mitigated by boundary treatment. There would be a double garage adjacent to the boundary with No 16 which would be single storey only.
52. The house at plot 58 would also share a boundary with No 16 which would be a two storey semi-detached house. This would have windows at first floor in the rear elevation which would look back towards Owles Lane. However these would be at an oblique angle to the garden of No 16 and its rear elevation. Therefore, I do not consider that there would be any materially harmful opportunity for overlooking.
53. Finally, the dwelling at plot 68 which would share the southern boundary with No 16 would be a bungalow and sited a sufficient distance away to ensure that there would be no harmful overlooking or harm to outlook.

Conditions

54. A list of agreed conditions was submitted as part of the Statement of Common Ground. These were discussed at the Hearing. I have made some amendments to ensure that the conditions comply with the requirements of the Framework and the Planning Practice Guidance. In particular, I have removed tailpiece phrases to ensure details of the conditions are not altered significantly without consultation.
55. A condition is required to ensure the development is commenced within three years and accords with the approved plans to provide certainty (1 and 2).
56. Conditions 3-6 are required in the interest of highway safety. I have deleted part of the Construction Management Plan condition as it was confirmed at the Hearing that the development would not be phased.
57. A condition requiring the implementation of a programme of archaeological work prior to work commencing on site is necessary to ensure the protection and recording of archaeological remains (7)
58. Details of existing and proposed ground levels, boundary walls and fences and materials are necessary to protect the character and appearance of the area.(8-10)
59. A condition regarding a scheme to deal with any contaminated land is required prior to the commencement of development to ensure that the land is safe for the end user and to prevent pollution of the watercourses and land.(11)

60. Conditions requiring the protection of existing trees and to secure details of landscaping are required to ensure appropriate landscape design and protect existing features (12-13).
61. The restriction of working hours on the site is necessary to protect surrounding residents living conditions (14).
62. A Site Waste Management Plan is necessary to be submitted to minimise waste generation and maximise the reuse and recycling of materials (15).
63. Details of the provisions for high speed broadband connections for properties are necessary to ensure good communications infrastructure for residents (16).
64. A condition requiring details of measures taken on the site to address climate change and reduce emissions of carbon dioxide is necessary to address climate change (17).
65. A Landscape and Ecological Management Plan, a management plan for reptiles and a lighting design strategy are necessary to be submitted to protect biodiversity and ecology (18-20).
66. A condition securing the implementation of noise standards is necessary to provide good standards of living conditions for future residents (21).
67. A condition requiring details of the children's play space and green space, is necessary to ensure sufficient infrastructure of this nature is available for future residents (22).
68. Conditions regarding securing and implementing an appropriate drainage strategy are necessary to ensure that the site does not contribute to flood risk and surrounding properties and users remain safe for the lifetime of the development (23-27).

Planning Balance and Conclusion

69. I have found that the proposal would conflict with the Council's spatial strategy contained within Policies DPS2 and GBR2 of the DP and Policy HD1 of the NP. However, the Council accepts it is unable to demonstrate a five year housing land supply with the interim figure being between 3.4 and 3.7 years. As such these policies, even though in accordance with the thrust of the Framework for the location of new development are out of date. Consequently, I apply moderate weight to the conflict.
70. I have also found that the proposal would harm the character and appearance of the area, would not be in an accessible location and would result in the loss of BMVAL contrary to the development plan albeit that the harm caused in all cases would be minor and that the prevailing character and setting of the area would be maintained over time providing a development sympathetic to local character again over time in accordance with paragraphs 129 and 135 of the Framework.
71. The proposal would deliver 67 (taking into account the one that would be demolished to facilitate the new access) new houses which would attract significant weight. The delivery of 40% affordable houses would also secure significant weight and be in accordance with paragraph 66 of the Framework. In

addition the delivery of 23 bungalows, which the Council confirmed at the Hearing are in significant need, would attract significant weight.

72. There are some wider benefits from the S106 contributions, particularly in relation to the sustainable transport initiatives to which I give moderate weight, noting that this would bring the proposal in accordance with paragraphs 110 and 115 of the Framework.
73. The appeal proposal would provide economic benefits both in the construction of the development and the spending of future occupiers in the local economy.
74. There would also be some environmental benefits including considerable planting and above 10% biodiversity net gain to which I give minor weight.
75. Consequently, I consider that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole having particular regard to key policies for directing development to sustainable locations (paragraphs 110 and 115 of the Framework), making effective use of land (paragraphs paragraph 129 of the Framework), securing well-designed places (paragraphs 135 and 139 of the Framework and providing affordable homes (paragraph 66 of the Framework).
76. The proposal would be contrary to the development plan as a whole, however material considerations including the Framework, lead me to conclude that planning permission should be granted for development not in accordance with it in accordance with policy INT1 of the DP.
77. For those reasons, the appeal is allowed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Ms Nikki Dawney	Principal Planner, Strategic Applications Team, East Herts District Council
Mr Neil Button	Team Leader, Strategic Applications Team, East Herts District Council
Ms Katherine Waters	Technical Director/Local Government Service Lead at WSP on behalf of the Lead Local Flood Authority
Mr David Uncle	Senior Flood Risk Officer, Lead Local Flood Authority, Hertfordshire County Council

FOR THE APPELLANTS

Mr Wayne Beglan Counsel	Instructed by Mr Richard Murdoch
Mr Richard Murdoch	Director, Woods Hardwick Planning Ltd
Mr Talys Nikan	Senior Planner, Woods Hardwick Planning Ltd
Mr Andrew Furness	Senior Landscape Architect, James Blake Associates
Mr Phil Tomes	Managing Director, Infrastructure Design Ltd
Mr Brijesh Mistry	Infrastructure Engineer, Infrastructure Design Ltd
Mr Andrew Dutton	Managing Director, Wheatley Group Developments Ltd.

INTERESTED PARTIES

Councillor Sue Nicholls	District Councillor, Buntingford
Councillor Graham Bonner	Buntingford Town Council
Mr P Walker	Local resident
Mr P Hare	Local resident

DOCUMENTS SUBMITTED AT THE APPEAL

1. Script of speech by Councillor Sue Nicholls
2. Plan Ref 119A

DOCUMENTS SUBMITTED AFTER THE APPEAL

1. Confirmation of numbers of houses granted planning permission and built in Buntingford
2. Signed and sealed S106 agreement dated

Richborough

CONDITIONS SCHEDULE

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18924-1000A; 18924-1001B, 18924-1002B, 18924-1003B, 18924-1004B, 18924-1005A, 18924-1006, 18924-1007B, 18924-100A, 18924-101A, 18924-102A, 18924-103A, 18924-104A, 18924-105A, 18924-106A, 18924-107A, 18924-108A, 18924-109A, 18924-110A, 18924-111A, 18924-112A, 18924-113A, 18924-114A, 18924-115B, 18924-116A, 18924-117A, 18924-118A, 18924-119A, 18924-120A, 18924-121A, 18924-122A, 18924-123A, 18924-124A, 18924-125A, 18924-126A, 18924-127A, 18924-128, 18924-129, 18924-130, 18924-131, 18924-132, 18924-133A.
- 3) Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle and pedestrian/cycle accesses onto London Road, and the footway/cycle path network opposite plot 31 to Owls Lane as shown indicatively on drawing numbers 18924/1001 Rev B. This includes the provision of suitable cycleway widths and infrastructure to allow cyclists to enter and exit the site and join the established cycle route along London Road and safely onto Owls Lane. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.
- 4) Before any dwelling hereby approved is first occupied, all on site vehicular areas required to serve that dwelling shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- 5) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
 - i) Construction vehicle numbers, type, routing;
 - ii) Access arrangements to the site;
Traffic management requirements
 - iii) Construction and storage compounds (including areas designated for car parking,
 - iv) Loading / unloading and turning areas);
 - v) Siting and details of wheel washing facilities;

- vi) Cleaning of site entrances, site tracks and the adjacent public highway;
 - vii) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - viii) Provision of sufficient on-site parking prior to commencement of construction activities;
 - ix) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - x) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements
- 6) Prior to the first occupation of any dwelling of the development hereby approved, parking spaces shall be provided within the application site for the parking of cars in association with that dwelling as shown on the approved plans and the spaces shall be retained for such use in connection with the development.
- 7) No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 8) Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- 9) Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 10) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.
- 11) Prior to the commencement of the development hereby approved a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved by the Local Planning Authority and the development should be implemented in accordance with the approved scheme. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- i) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desktop study is commenced and it shall conform to any such requirements. Copies of the desk-top study shall be submitted to the Local Planning Authority without delay upon completion.
- ii) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - 1. A desk-top study has been completed satisfying the requirements of paragraph (1) above;
 - 2. The requirements of the Local Planning Authority for site investigations have been fully established; and
 - 3. The extent and methodology have been agreed in writing with the Local Planning Authority.

Copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay on completion.

- iii) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
- 12) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
- 13) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and

implementation timetable and thereafter the development should be implemented in accordance with the approved details.

- 14) In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 - 18:00 hours on Monday to Friday, 08:00 - 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.
- 15) Prior to the commencement of the development hereby approved a detailed Site Waste Management Plan (SWMP) seeking to minimise waste generation and maximise re-use and recycling of materials as far as practicable, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the construction shall take place in accordance with the approved SWMP.
- 16) Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high-speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential dwelling. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details, including the timetable and method of delivery.
- 17) Prior to commencement of above ground construction works, details of measures to reduce the need for cooling in the summer, heating in the winter and measures to reduce carbon dioxide emissions across the development such as the use of solar power and/or air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 18) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
 - i) Description and evaluation of features to be managed.
 - ii) Ecological trends and constraints on site that might influence management.
 - iii) Aims and objectives of management.
 - iv) Appropriate management options for achieving aims and objectives.
 - v) Prescriptions for management actions.
 - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - vii) Details of the body or organization responsible for implementation of the plan.
 - viii) Details of integrated swift bricks and bat boxes for all new dwellings
 - ix) Ongoing monitoring and remedial measures and other measures to improve the ecological value of the site.The development shall be implemented in accordance with the details approved.

- 19) No development shall take place (including any demolition, ground works, site clearance) until a method statement for reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- i) Purpose and objectives for the proposed works;
 - ii) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - iii) Extent and location of proposed works shown on appropriate scale maps and plans;
 - iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - v) Persons responsible for implementing the works;
 - vi) Initial after-care and long-term maintenance (where relevant);
 - vii) Disposal of any wastes arising from works.

The development shall be implemented in accordance with method statement approved.

- 20) Prior to occupation, a "lighting design strategy for biodiversity" for the proposed development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i) Identify those areas/features on site to which bats are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and
 - ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

- 21) Prior to the occupation of the development, measures outlined in Cass Allen Report ref RP01-23451-R0 shall be implemented in order to achieve the 'good' internal room and external space amenity noise standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Approved details shall thereafter be permanently retained.
- 22) Prior to first occupation of the development hereby approved, and if on-site provision is proposed, details of the Natural and Semi Natural Green Space and Children's Play Facilities, an implementation timetable and details of their future management/maintenance shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and the areas, managed/maintained in accordance with the approved details.

- 23) Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority in accordance with option A. To the extent it is determined that Option A is unviable due to restriction on the Thames Water Network upgrading works and Option B is proposed which will need evidence that this method of disposal is acceptable to the Environment Agency. The scheme shall then be constructed as per the agreed drawings, method statement, Addendum Drainage Strategy (IDL/1274/DS/001 PO2 dated February 2025) and Drawings (IDL/1274/07/11 PO1 and date February 2025) and remain perpetuity for the lifetime of the development.
- 24) The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- i) A timetable for its implementation;
 - ii) Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and
 - iii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.
- 25) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 23. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
- 26) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site

flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement.

- 27) All development shall be constructed in accordance with the submitted and approved Addendum Drainage Strategy (IDL/1274/DS/001 PO2 dated February 2025), this includes all new residential dwellings to have a finished floor level raised a minimum of 150mm above any flood level and 150mm above the surrounding proposed ground level.

*****END OF CONDITIONS*****

Richborough