



## Appeal Decision

Hearing held on 19 May 2026

Site visit made on 19 May 2026

**by A McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9<sup>th</sup> June 2026

**Appeal Ref: APP/A2470/W/25/3375747**

**Land to the west of Main Road, Oakham, Rutland LE15 7UW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
- The appeal is made by Bowbridge Land Ltd against the decision of Rutland County Council.
- The application Ref is 2025/0846/MAO.
- The development proposed is outline planning application with all matters reserved except for access for up to 110 dwellings and associated infrastructure on land to the west of Main Road, Oakham.

### Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved except for access for up to 110 dwellings and associated infrastructure on land to the west of Main Road, Oakham, Rutland LE15 7UW in accordance with the terms of the application, Ref 2025/0846/MAO, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Outline planning permission is sought with all matters reserved for future consideration save for access. However, the submitted access details are limited to the immediate confines of the proposed junction with the site and Main Road. I have had regard to the proposed site access arrangement, and the proposed footway improvements in considering these matters<sup>1</sup>. But the access details for within the site would need to be sought at reserved matters stage. I have, however, had regard to the illustrative masterplan for the site and an illustrative plan showing reduced building heights in the north east of the appeal site.
3. The appeal scheme follows an earlier outline planning application that was dismissed at appeal in August 2023 for up to 150 residential dwellings on the land (the 2023 decision). I have considered the Inspector's findings in that decision in amongst the wider body of evidence before me in determining this appeal.
4. A signed and dated s106 agreement (s106 agreement) was submitted shortly after the Hearing. It contains obligations in respect of affordable housing, open space, highway improvement works and biodiversity net gain (BNG).
5. Written and oral points were made about the Council's Adopted Interim Position Statement for Housing Development January 2025 (IPSHD). The IPSHD confirms in paragraph 5.3 that it does not form part of the development plan, and it is not a supplementary planning document. Nor has the IPSHD been the subject of the formal scrutiny required for development plan documents. However, the Council uses the IPSHD as guidance when assessing housing proposals at times when it

<sup>1</sup> Transport Assessment, Appendices F, G and H

is unable to demonstrate a sufficient supply of housing land. I have therefore had regard to the IPSHD, but equally, I am mindful that the considerations laid out within the document generally reflect the emphasis and objectives of existing local or national policy.

## **Main Issues**

6. The main issues in this case are (a) the effect of the proposed development on the character and appearance of the area; (b) whether the appeal site is in a suitable location, having regard to the development plan's spatial strategy; and (c) whether the proposal would make adequate provision for affordable housing, open space, highway improvement works and BNG.

## **Reasons**

### *Character and appearance*

7. The appeal site lies to the west of Main Road. A mature hedgerow extends along the site's boundary with the pedestrian footway on Main Road. Occasional gaps in the hedgerow provide views across the appeal site, but the hedgerow otherwise screens views, even if the height of the hedgerow is reduced to its usual height. The site itself comprises open pasture which is subdivided into paddocks with low fencing. To the south of the site beyond a boundary with mature trees is Catmose College. The site's western boundary is lined by a hedgerow. Fields rise up beyond this boundary. On the southern side of Pasture Lane is a barn, and several dwellings. Pasture Lane joins Main Road to the north of the appeal site.
8. On the eastern side of Main Road there is a row of two storey dwellings which face the appeal site. To the south of these behind a tall line of landscaping is the public open space associated with the sustainable urban extension (SUE) to the northwest of Oakham. This is a large modern housing development.
9. The appeal site is not designated for its landscape value, but that is not to say that it has no landscape value. The Council, however, contend that the appeal site is part of a 'valued landscape' as referred to in paragraph 187(a) of the National Planning Policy Framework (the Framework). This is despite agreeing with the same appellant in the 2023 decision that the site is not a valued landscape in accordance with the Framework. The Council's stance has changed due to a different professional judgement even though both parties confirmed that there have been no changes to the appeal site or its setting since the 2023 decision.
10. A valued landscape does not need to be designated. Landscapes are valued by different people for different reasons. The main parties outlined criteria that they considered to influence an assessment of what is a valued landscape given that there is no definition within the Framework. I concur with them and I have had regard to them<sup>2</sup> in forming my reaching my judgement.
11. The appeal site's contribution to the wider landscape is limited due to the enclosure provided by the site's well-defined boundaries. Within those, the land is open and used for pasture and its natural features positively contribute to the character and beauty of the countryside which extends westwards and upwards from Oakham and Barleythorpe. The rising topography of the countryside beyond the appeal site provides a scenic backdrop to those settlements, but especially Barleythorpe. The topography also adds to the site's rural character and its role as

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<sup>2</sup> Scenic quality, tranquillity/remoteness, ruralness, distinctiveness, natural heritage, cultural heritage, landscape quality and condition, associations, function, and perceptual value.

a sensitive landscape that buffers Oakham and Barleythorpe, and them from the open countryside. The site also serves as an attractive semi-rural approach to Barleythorpe which is experienced as people transition between Oakham and Barleythorpe and by residents who live adjacent to the site.

12. The ridgeline to the west of the site provides a natural line and backdrop, but it is not an overtly distinctive or striking landform, and even though it affords pleasant views they are not memorable or distinctive. Those views are also screened by the site's eastern boundary, and the vegetation along the SUE's western boundary further inhibits visual appreciation of the ridgeline to the west. There are no landmarks and urban influence is never far away, whether that be the visual presence of built form and associated paraphernalia or traffic on Main Road which also strongly influences the aural environment or from points along Manor Lane. This is not therefore a landscape with a strong perceptual value or one with a high tranquil value. The site and its landscape setting do, however, provide recreational value given that the Rutland Round uses Main Road and Manor Lane as part of its route even though the site itself is not publicly accessible. The site's character is also not rare or unusual given its location between Barleythorpe and Oakham. There is also no clear evidence of any associations, natural or cultural heritage.
13. So, while the site has an open semi-rural character and it provides a spatial break between Barleythorpe and Oakham, I do not consider the appeal site to be a valued landscape, even though I acknowledge that it is valued locally.
14. Despite the changes made by the appellant to the appeal scheme in response to the 2023 decision, the introduction of up to 110 dwellings on the land with other domestic features, gardens, roads and infrastructure would still fundamentally change the site's appearance and destroy its semi-rural character. A greater amount of public open space, additional planting and a larger set back of the proposed dwellings from Main Road would not avoid the significant harm from arising. The effect would also be felt at night time due to artificial lighting.
15. Although the proposed development would abut Barleythorpe and be near to Oakham and in some ways reflect the character and land use of both settlements, the proposal would result in the loss of a countryside site with a semi-rural character. The scale of housing and its infrastructure would be an obvious intrusion into the countryside and erode Barleythorpe's pastoral setting. This would be evident from opposite the site on Main Road and Pasture Lane, and from the dwellings on both roads where views of the wider countryside from upper floors would be obstructed and spoilt, even if private. There would also be a harmful effect from higher land to the west, but from various elevated points on Manor Lane, the proposal's effect would not be harmful, as the development would be seen in the context of Barleythorpe and Oakham, while vegetation and landform would mean that harmful effects from Cold Overton Road and Catmose College would not occur.
16. Barleythorpe and Oakham have already physically coalesced due to the SUE to the east of Main Road, so the proposal would only reinforce this by considerably reducing the openness of the land. However, from a visual coalescence perspective, the dwellings within the SUE have been set back from the road behind a large area of public open space and screened by landscaping which means that the two settlements do not appear to have visually coalesced when viewed from Main Road. The appeal scheme proposes to take a similar approach to developing the appeal site so that the two settlements have separate identities.

17. However, unlike the SUE an access would be created to Main Road. This would result in regular comings and goings. But, to the south of here, the proposed development could be laid out so that it is well set back from Main Road behind landscape screening. This could create a perceived gap between the two settlements in a similar vein to the eastern side of Main Road. Development is more likely to populate land to the north of the proposed access as it would reinforce the entrance to Barleythorpe and mirror the existing dwellings on the opposite side of Main Road. As such, the proposal would be understood as an extension of Barleythorpe, and while doing so would reduce the current visual gap on the eastern side of Main Road, the overall perception would not be that the two settlements have visually coalesced. Consequently, I consider detailed designs of the proposal could be brought forward to avoid a harmful effect arising from the visual coalescence of Barleythorpe and Oakham and to ensure appropriate relationships to neighbouring properties.
18. While the quantum of development has been reduced by the appellant and other changes made, that does not automatically mean a reduction in the weight that the proposal's harmful effect would cause given that harm would be permanent. It is my conclusion that, the proposal would harm to the character and appearance of the area, despite an identified important view along Main Road not being affected. Hence, the proposal's compliance with Policy 8 of the Oakham and Barleythorpe Neighbourhood Plan (NP) does not outweigh the proposal's conflict with Policies CS2 and CS19 of the Core Strategy Development Plan Document (CS), Policies SP6, SP15 and SP23 of the Site Allocations and Policies Development Plan Document (SAP) and NP Policy 1. I attach significant weight to the harm that would be caused by the proposed development on this matter due to its scale, effect on the character and appearance of the area and its permanency.

### *Spatial strategy*

19. The appeal site lies in the countryside as it is outside of the planned limits of development (PLD) for the Main Town of Oakham and the Restraint Village of Barleythorpe. CS Policy CS4 says that development in the countryside will be strictly limited to that which has an essential need to be located in the countryside and will be restricted to particular types of development to support the rural economy and meet affordable housing needs. Although 40% of the proposed dwellings would be affordable homes, the bulk of the total quantum of dwellings would be market homes, so the proposal would conflict with CS Policy CS4.
20. This policy also explains that the Restraint Villages are not considered sustainable locations to accommodate further development unless it is development normally acceptable in the countryside. But in the countryside development will be strictly limited to that which has an essential need to be located there. SAP Policy SP6 permits new housing in the countryside if it accords with the listed exceptions, but none of these apply to the proposal. NP Policy 1 states that proposals for residential developments of 10 or more dwellings will not be supported outside sites allocated in the LP (current, or future reviews). As the appeal site is not an allocated site, the proposal would not accord with NP Policy 1.
21. The spatial strategy is predicated on provision being made for 3,000 new dwellings over the plan period (2006-2026), with about 70% of new housing located within and adjoining Oakham and Uppingham according to CS Policy CS9. However, this policy indicates that greenfield sites within or adjoining the PLD in Oakham, Uppingham and Local Service Centres may be allocated and released if a

sufficient and phased supply of deliverable land is needed. Sites such as the appeal site outside and adjoining the Restraint Village of Barleythorpe will generally not be allocated or released according to CS Policy CS9.

22. While that is the case, the site's location adjacent to the PLD of Barleythorpe and Oakham and the availability and proximity of a range of facilities and services mean that the proposal would be accessible to future occupiers on foot and by cycle. This would be aided by the improvements to widen the lit footpath on Main Road for pedestrians. As such, the proposal would accord with the thrust of the development plan's spatial strategy and sustainable development principles outlined in CS Policies CS1 and CS2 to focus new development in the most sustainable locations, and where development is accessible by other modes of transport without reliance upon the private car.
23. The PLD boundaries are also based on a level of housing need that does not reflect the current much higher level of housing need. The Council accepts that the PLD boundaries cannot deliver that higher level of housing need, and that sites outside of the PLD are required to meet the current housing shortfall below the minimum five years set by Framework paragraph 78 as well as the future needs of the district. Therefore, the spatial strategy is deemed out of date. But they are also out of date because the PLD cannot accommodate the level of housing required even if its broad thrust is consistent with Framework paragraph 187.
24. However, the proposal would not be limited in scale due to the quantum of development proposed. Further, due to the site's location in respect of the development plan, despite its location adjacent to the PLDs, I conclude that the proposal would conflict with CS Policy CS4, SAP Policy SP6 and NP Policy 1. But, owing to the proposal's compliance with CS Policy CS9, the current shortfall and the PLD's ability to deliver the required level of housing, limited material harm would arise from the policy conflict even though those policies are out of date.
25. The appellant considers that the proposal would accord with emerging plan Policy SS2 because of its location adjoining the PLD's of Barleythorpe and Oakham, and the current housing land supply position. However, even if the unresolved objections relating to this policy do not concern the appeal site or its surroundings, I do not know the nature of those objections, and they could conceivably go to the heart of what the policy may permit if adopted in its current form. Therefore, I give this policy little weight, but in any event, it would not displace the conflict that I have identified with development plan policies.
26. No conflict would arise with CS Policy CS19 and SAP Policies SP15 and SP23 on this issue as those policies relate to good design, amenity and landscape character not the location of development. Furthermore, given the site's location outside of the PLD no conflict can arise with SAP Policy SP5 given that it relates to development within the PLD. There is also no conflict with CS Policy CS3 as this policy details the settlement hierarchy, but other policies then say where development is appropriate and where it is not.

#### *Planning obligations*

27. The Council confirmed at the Hearing that subject to the s106 agreement being signed and dated that it would address its second reason for refusing planning permission. I agree with the main parties that the highway improvement works can be secured by planning condition instead of the s106 agreement.



28. The planning obligations found in the s106 agreement would secure the provision of 40% of the proposed dwellings as affordable homes. This level of provision is 10% beyond the 30% required by NP Policy 3. Therefore, the proposal could see the delivery of up to 44 affordable homes in the district where there is a significant identified need for this type of housing in the context of an acute national affordable housing need. In this regard the proposal would accord with Framework paragraph 66. I give substantial weight to this planning benefit. This level of weight chimes with the Brooke Road appeal decision<sup>3</sup>, and although the proposal could result in 2 additional affordable homes that is not justification to elevate the weight beyond substantial.
29. Public open space and play equipment on the appeal site would be secured by the s106 agreement and provide recreational and amenity opportunities for future occupiers of the proposed development, as well as the existing community. The provision could result in a well located, high quality multifunctional space of an appropriate size for the development.
30. On-site BNG is secured by the s106 agreement with a net gain of at least 10%. This is necessary given the loss of existing habitat on the appeal site and its consequential development for housing. The proposal would therefore mitigate against its impact and achieve enhancement. A 30-year management provision is also secured by the s106 agreement to ensure its success. The BNG provision secured by the s106 agreement is a benefit of limited weight because of the need to secure net gains for biodiversity.
31. The Council has justified the legal and monitoring fees sought relating to the obligations in the s106 agreement based on the scale of the proposal. Therefore, I conclude, on this issue, that the proposal would make adequate provision for affordable housing, open space and BNG. Hence, the proposal would accord with CS Policies CS11, CS21 and CS23, SAP Policies SP9, SP15, SP19, SP22 and SP23, NP Policy 3, the Planning Obligations Supplementary Planning Document, the Act, and The Environment Act 2021 and Framework paragraphs 66, 98 and 187. The obligations secured by the s106 agreement satisfy the tests in Framework paragraph 58.

### Other Matters

32. The section of Main Road where the proposed access would be formed lies in between Barleythorpe and Oakham. Here there is a wide carriageway and good visibility in either direction even with the bend in the road. There is also a lit pedestrian footway linking the two settlements. Although the proposal would result in an increase in vehicular traffic, this could be accommodated on the road network, and the proposal could provide safe access for all with suitable visibility splays, footways and cycleways and lighting, for example. There are no other access proposals before me to consider, so if any changes are sought, then planning permission would be required for them. For these reasons, the proposal would accord with CS Policy CS18, SAP Policy SP15, NP Policy 2 as well as Framework paragraphs 110 and 115.
33. Residents are concerned about the lack of provision made for education and medical facilities, but there is no substantive evidence to suggest that contributions for them would satisfy the three tests for securing them. Community Infrastructure Levy monies are used by the Council for this type of infrastructure.

<sup>3</sup> Appeal Decision Ref: APP/A2470/W/25/3375952?

34. I have carefully considered the planning conditions suggested by residents, but many relate to the detailed design stage and, as such, are matters to consider at the reserved matters stage. It would be at this point that the Council, in the first instance, would consider whether the layout and design of the proposal would be acceptable in terms of character and appearance and living conditions for every neighbouring property near to the appeal site. I consider this could be achieved given the site's size, the quantity of development proposed and the extent of open space that could be formed to provide adequate buffers in accordance with Framework paragraphs 135 and 139. That said, a planning condition can be imposed so that any reserved matters submissions are brought forward with reduced building heights in the north western part of the site.
35. The site is located within an area where flood risk is low. Provision can also be made within the site at the reserved matters stage for sustainable drainage, and suitable connections could be made to utilities for the number of houses proposed.
36. The appeal site comprises of a mix of Grade 1, Grade 2 and Grade 3a agricultural land. The bulk of the site consists of Grade 2 land. The proposal would result in the loss of best and most versatile agricultural land, but the land is not currently being cropped as it is being used for grazing. The size of the appeal site also makes it uneconomical to crop unless the site formed part of a larger landholding being cropped. In this context, the loss has a limited effect in the context of Framework paragraph 187 b). There would not, however, be conflict with SAP Policy SP19 or NP Policy NP10, as neither deals with the loss of agricultural land.
37. There may well be other sites in the area that benefit from planning permission for residential development that are not currently being built out. However, any sites with planning permission or major sites with outline planning permission where there is clear evidence of housing completions within five years should already be included in the Council's supply. Given the current shortfall, there is a need for further housing developments in the right place to redress the supply beyond the five-year minimum. I understand that the emerging local plan is progressing through its examination, but that plan has not yet been found 'sound', and there are unresolved objections to it.
38. So, while the 2023 decision saw that scheme dismissed, I have determined the appeal on its own planning merits based on the evidence and the circumstances as they are presented to me. The proposal is not so substantial, nor would the cumulative effect be so significant that granting planning permission would undermine the plan-making process about the scale, location or phasing of new development in my view. There are therefore no reasons to justify a refusal of planning permission on prematurity grounds.
39. Many residents have taken up the opportunity to comment on the proposal before the Council determined the planning application and again during the appeal, whether that be in writing or by making oral comments at the Hearing itself. Adequate transparent consultation has taken place.
40. For reasons previously set out in respect of the main issues, the proposal would not go against considerations 1, 4, 5, 6, 7, 8, 9, 10 and 11 of the IPSHD. On the other hand, for the reasons outlined in the first main issue, the proposal would not follow considerations 2 and 3 of the IPSHD, but my finding here only adds to and does not displace the development plan conflict that I have established and the material harm that would arise as a result of that.

## **Planning Balance**

41. I have found limited harm in respect of the proposal's conflict with CS Policy CS4, SAP Policy SP6 and NP Policy 1 due to the site's location despite the proposal's compliance with CS Policy CS9. I attach significant weight to the harm that the proposal would cause to the character and appearance of the area and conflict with CS Policies CS2 and CS19, SAP Policies SP6, SP15 and SP23 and NP Policy 1 even though the proposal would accord with NP Policy 8. The proposal would also accord with CS Policies CS11, CS21 and CS23, SAP Policies SP9, SP15, SP19, SP22 and SP23, NP Policy 3 in respect of the planning obligations, including a 10% over provision of affordable homes.
42. I consider that the proposed development would therefore be contrary to the development plan when taken as a whole. I shall now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.

### The benefits of the proposal

43. It is common ground that the Council is currently unable to demonstrate the minimum five-year supply of deliverable housing sites as required by the Framework. The current extent of the supply stands at 2.98 years which equates to a shortfall of 663 dwellings against a five-year requirement of 1,638 dwellings. The provision of up to 110 dwellings in a sustainable location near other homes would help address this shortfall to some degree given the two-year timeframe for development to start on the appeal site. It is possible that all the proposed dwellings could be delivered in the next five years, or at the least, a high proportion of them. The quantum of homes would also make a strong contribution to the number of homes needed to redress the current shortfall below the five-year minimum and make efficient use of the site in accordance with Framework paragraph 129, notwithstanding the development's effect on the area's character. I attach substantial weight to the provision of market and affordable homes.
44. Economic benefits would arise from the proposal in the form of direct, indirect, and induced jobs from the construction of the development and from future occupiers spending in the local economy. Those public benefits would be both short-and long-term, so I give them limited to moderate positive weight.
45. The public open space would be accessible to the wider community as well as future occupiers of the proposed development. Given the overprovision of public open space, the equipped play provision and the potential to form informal recreation opportunities, I attach limited to moderate positive weight to this matter.

### Conclusion on planning balance

46. For reasons explained, the proposal would result in harms as well as benefits. Weighing them is not a mathematical exercise, but the harms mean that the proposal conflicts with the development plan as a whole.
47. That said, the adverse impact of granting permission would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. The material considerations in this case therefore indicate that planning permission should be determined other than in accordance with the development plan.



## Conditions

48. Given the scope of the access details submitted with the application, I have imposed a condition confirming what would need to be sought approval for at reserved matters stage [1]. To address the current housing land supply position, I have imposed a condition with shorter time periods for the development to begin within [2]. In the interests of certainty and to inform the reserved matters submissions I have imposed conditions about the approved plans and how the site should be designed [3 and 4]. In the interests of certainty, it is necessary to define the upper quantum of dwellings that the permission relates to [5].
49. In the interests of flood risk and the environment, it is necessary to impose conditions to secure a construction surface water management plan and details of the sustainable drainage scheme [6 and 7]. In the interests of highway safety and residents living conditions a condition is necessary to secure a construction management plan [8]. I have imposed conditions to secure a construction environment management plan [9] and a landscape and ecological management plan [10] in the interests of ecology and the landscape.
50. In the interests of highway safety, it is necessary to impose a condition [11] controlling when the new access should be provided by. To ensure that any archaeological material is investigated and recorded, I have imposed a condition [12] to secure a written scheme of investigation and mitigation. In the interests of highway safety and promoting the use of sustainable modes of transport, a condition is necessary to secure details of various highway matters [13]. In the interests of highway safety, a condition is necessary to secure vehicle to vehicle visibility splays [14]. I have also imposed a condition [15] so that any damage caused to the public highway because of the development's construction is repaired in the interests of highway safety.
51. To encourage people to travel other than using the private vehicle a condition is necessary to secure a detailed travel plan [16]. In the interests of ecology, I have imposed a condition [17] so that the measures in the submitted ecological appraisal are carried out. So that any new trees successfully integrate into their environment and provide amenity I have imposed a condition [18] so that they are planted with root protection measures. A condition is necessary for landscape reasons so that any changes in ground level, hard and soft landscaping are carried out in the first planting and seeding season, and to secure any replacement plants should any die, be removed, become damaged or diseased [19]. To inform the reserved matters submission(s) it is necessary to impose conditions [20 and 21] to secure a minimum level of BNG and to secure details showing how each existing tree is to be retained.

## Conclusion

52. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

*A McGlone*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

|                   |                                       |
|-------------------|---------------------------------------|
| Isabella Tafur KC | of Counsel                            |
| Nikki Beers       | Managing Director, Faxton             |
| Amy James         | Associate Director, Tetlow King       |
| James Stacey      | Managing Director, Tetlow King        |
| James Morton      | Director, Aspect Landscaping          |
| Richard Brown     | Pegasus Group                         |
| Karen Brightman   | Associate Town Planner, Pegasus Group |

### FOR THE LOCAL PLANNING AUTHORITY:

|                     |                                                    |
|---------------------|----------------------------------------------------|
| Andrew Waskett-Burt | Principal Planning Officer, Rutland County Council |
| Magda Waclawik      | Planning Officer, Rutland County Council           |
| Anthony Brown       | Landscape consultant, BBE Environment              |
| Andrew Needham      | Principal Planning Officer, Rutland County Council |

### INTERESTED PARTIES:

Philip Walker  
Carole Westcott  
Malcolm Phillips, Barleythorpe Parish Council  
Ming-yuin Nagel

## SCHEDULE OF CONDITIONS

1. Approval of details of access (other than shown on plan ref: LE141-7PD-001 A), layout, scale, appearance, and landscaping (hereinafter called the 'reserved matters') of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. The development to which this approval relates shall be begun not later than whichever is the later of the following dates:
  - The expiration of 2 years from the date of the outline planning permission;
  - The expiration of 1 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
3. The development hereby permitted shall be carried out in accordance with plan refs: P24\_1788\_DE\_002-1 Site Location Plan; and LE141-7PD-001 A Proposed Site Access Arrangement and Visibility Splays.
4. The reserved matters submission shall be in broad accordance with plan ref: P24\_1788\_DE\_022\_1 showing an area of reduced building heights in the north western part of the site.
5. The development shall not exceed 110 dwellings.

### *Pre-commencement*

6. No development shall commence until a Construction Surface Water Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority. The CSWMP shall include, as a minimum:
  - a) details of how surface water will be managed on site during construction to prevent flooding and pollution, including temporary drainage measures;
  - b) measures to control surface water runoff from the site, including during heavy rainfall events;
  - c) details of any temporary SuDS features or drainage systems to be implemented during construction;
  - d) measures to prevent silt, sediment, and contaminants from leaving the site;
  - e) arrangements for monitoring and maintaining the temporary drainage measures throughout the construction period; and
  - f) details of how overland flow from adjacent land will be managed and prevented from entering or leaving the site in an uncontrolled manner.

The development shall be carried out in accordance with the approved details for the duration of the construction phase.

7. The development hereby permitted shall not be begun until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
  - a) information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and

- pollution of the receiving groundwater and/or surface waters;
- b) any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) flood water exceedance routes, both on and off site; and
- d) a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

8. No development shall take place until a Construction Management Plan (CMP) has been submitted and approved in writing by the Local Planning Authority, which will include the following:-
- a) a scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
  - b) a scheme for the control of dust and scope for remedial action if dust is identified as an issue or any complaints are received.
  - c) a scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry and any other form of contamination during the period of construction with all exiting vehicles passing through. A contingency plan including, if necessary, the temporary cessation of all construction operations and movements to be implemented and any affected public highway thoroughly cleaned immediately with mechanical sweepers if the approved vehicle cleaning scheme fails to be effective.
  - d) haul routes to the site and hours of delivery.
  - e) measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no parking, waiting, loading, unloading or queuing on the public highway.
  - f) details of the locations of the site compounds, material and equipment storage areas, welfare facilities, loading/ unloading areas and contractor/visitor parking and turning areas shall be identified on a site map within the CMP.
  - g) details of the site enclosures including any hoarding and gate site security should be identified on a site map and confirmed within the CMP.
  - h) details of site notice with the site managers contact details and a scheme for dealing with complaints.
  - i) confirmation that no temporary lighting will directly light or cause danger to users of the public highway.
  - j) phasing plans where necessary.

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

9. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) identification of potentially damaging construction activities;

- b) practical measures and sensitive working practices to avoid or reduce impacts during construction on protected species;
- c) timing of works to avoid harm to nesting birds;
- d) responsible persons for overseeing sensitive works; and
- e) use of protective fencing where required.

The approved CEMP shall be adhered to and implemented during the construction period.

10. No development shall commence until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. This shall include:

- a) description and evaluation of the features to be created/enhanced;
- b) aims and objectives of management;
- c) appropriate management options for achieving aims and objectives;
- d) prescriptions for management actions;
- e) work schedule;
- f) species/seed mixes to be planted/sown; and
- g) ongoing monitoring and remedial measures.

The scheme shall be implemented in accordance with the approved details.

11. No part of the development hereby permitted shall take place until the new access into the site has been provided in accordance with the approved plans listed at Condition 3.

12. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

- a) ' The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) ' The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

13. Notwithstanding the detail shown on the approved plans, the development shall not begin until a scheme of off-site highway works has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) the bellmouth junction as shown on the Proposed Site Access Arrangement and Visibility Splay plan ref: LE5270-PD-001 (or as amended to reflect the following).
- b) widening of the existing footway along the western side of Main Road (where practical to a 3m wide shared footway/cycleway) along the site frontage the crossing North of Grooms Close and Huntsmans Drive.
- c) if required new bus stops either side of Main Road within the site frontage at a position to be agreed to include bus boarder kerbs, electrification, bus shelter, signage and lining.



- d) any relocation or replacement of existing street furniture.
- e) any new street lighting deemed necessary around the new junction.
- f) street name plates for the new access/development.
- g) footway connection to the south of the site frontage as indicated on the Concept Masterplan reference P24-1788\_DE\_001 Sheet No 1 Rev M.

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

14. Prior to the commencement of development hereby permitted vehicle to vehicle visibility splays in accordance with the details shown on the Proposed Site Access Arrangement and Visibility Splay plan ref: LE5270-PD-001 with no obstruction over 600mm above the level of the adjacent highway carriageway shall be provided and thereafter retained and maintained in perpetuity.
15. Prior to the commencement of development hereby permitted the developer must carry out and submit to the Local Planning Authority for approval in writing a pre-condition full width public highway survey of Main Street along the site frontage edged red on the location plan, and within 50 metres of any temporary construction access in either direction. The results of the survey will be provided by way of a numbered photographic survey together with block plans showing the location and orientation of each photo. A joint inspection with the Local Highway Authority covering the same area will take place on within 1 month of completion of the development to identify any damage and determine any remedial work required. The agreed remedial work shall be carried out by the developer within 3 months of the inspection date.

*Before first occupation and implementation*

16. No part of the development shall be occupied until a detailed Travel Plan, based on the principles set out in the approved Outline Travel Plan (June 2025), has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
- a) objectives and modal shift targets;
  - b) a programme of measures and initiatives;
  - c) a timetable for implementation;
  - d) arrangements for monitoring, review and reporting; and
  - e) enforcement / remedial measures where targets are not met.

The Travel Plan shall be implemented and monitored in accordance with the approved details.

17. The development hereby approved shall be implemented in accordance with the measures stated in section 9 of the Ecological Appraisal (Maydencroft Ltd, June 2025).
18. Any new trees located within 5 metres of the existing or proposed public highway must be planted with root-protection, details of which must first be approved in writing by the Local Planning Authority.
19. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October-March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are

removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

*Reserved matters*

20. As part of the reserved matters, an updated Biodiversity Net Gain Assessment shall be submitted in writing to the Local Planning Authority that demonstrates at least a 10% net gain in biodiversity. The approved Biodiversity Net Gain scheme shall be implemented in accordance with the agreed details as construction proceeds and completed during the first planting season following the occupation of 100% of the dwellings.
21. The details submitted in accordance with condition 1 above shall include:
- a) a plan showing the position of every existing tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which existing trees are to be removed
  - b) a schedule in relation to every tree identified listing: information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced) and, any proposed pruning, felling or other work
  - c) all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced)
  - d) areas of existing landscaping to be protected from construction operations and the method of protection.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. The tree protection measures shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

END OF SCHEDULE