



Appeal Decision

Site visit made on 24 October 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/V2255/W/23/3334312

Land north of Lower Road, Eastchurch ME12 4DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Attwood, New Homes and Land against the decision of Swale Borough Council.
 - The application Ref is 21/505041/OUT.
 - The development proposed is Outline application for the development of up to 63 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Lower Road.
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Decision

1. The appeal is allowed and planning permission is granted for outline application for the development of up to 63 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Lower Road in accordance with the terms of the application Ref 21/505041/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.
3. The application was made in outline with all matters except the means of access reserved for subsequent approval. However, the application was accompanied by an illustrative layout plan showing the layout of the houses and landscaping, which I shall treat as being for illustrative purposes only. The plans to be approved at this outline stage also include a parameter plan that would set out the extent of the developable area, open space and landscaped areas. The Council made its decision on this basis, and so have I.
4. An executed agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) and dated 10 April 2024 was submitted during the appeal. The S106 agreement includes obligations concerning community infrastructure (including social care, youth services, library bookstock, special education needs and health), public rights of way

improvements, waste and refuse bins, mitigation under the Habitats Regulations and affordable housing.

Main Issues

5. The main issues are the effect of the proposal on:
- the character and appearance of the area, with particular regard to the effect on the landscape;
 - local services and infrastructure; and
 - the integrity of the Swale and Medway Estuary Special Protection Areas and Ramsar sites.

Reasons

Character and appearance

6. The appeal site is agricultural land located on the north-western edge of Eastchurch. Further agricultural land adjoins the appeal site to the north and west. To the east, the site adjoins Dickson's Playing Field, and to the south are residential properties on High Street and Lower Road. At the time of my site visit construction was underway on the residential development of 15 dwellings (Council Ref: 19/500887/FULL) on the land adjoining part of the site's southern boundary which was allocated in the adopted Local Plan for residential development. The proposal would surround this residential development.
7. The site adjoins, but is outside, the built up boundary of Eastchurch. The appeal site is not allocated within Bearing Fruits 2031: The Swale Borough Local Plan (2017) (the Local Plan), and for the purposes of the development plan, the appeal site is countryside. Policy ST3 of the Local Plan, outlines the strategic approach to the location of development within Swale. It identifies that the urban centres of Sittingbourne, Faversham and Sheerness are the main focus for development, together with development at the rural service centres. Policy ST3 states that development will not normally be permitted in the open countryside outside the built-up area boundaries. Policy ST6 of the Local Plan provides a specific Isle of Sheppey area strategy, and outlines that settlements within the West Sheppey Triangle, which the appeal site is not located within, are the focus of development.
8. The site is not within a designated landscape, as defined under Local Plan Policy DM24, although its character is identified in various studies. It is located within Minster and Warden Farmlands character area (16) as set out in the Swale Landscape Character and Biodiversity Appraisal, Revision A (2011) (SLBA). This indicates that the condition of the area is poor, as a result of factors including intrusive land uses and loss of hedgerows and trees. Its sensitivity is moderate, and guidelines for the area are to 'restore and create', advising to avoid proposals that would be unduly prominent on undeveloped south facing slopes.
9. The Swale Landscape Sensitivity Assessment (2019) (SLSA) considers the landscape around the main urban areas and its capacity to accommodate new development while minimising harm to landscape. It identifies the site, as part of a wider portion of land, as having a moderate-high sensitivity. The guidance

within the SLSA suggests a landscape-led approach, including providing boundaries to built form and conserving and reinforcing the existing network of hedgerows which provide landscape structure and enclosure.

10. Although the application is in outline, the Parameter Plan shows how landscape considerations have been taken into account. The spread of built form would not extend further north than the northern edge of Dickson's Playing Field, or further west than the existing residential development to the south of Lower Road. The appeal proposal would adhere to the local level landscape guidelines, including avoiding development on south facing slopes and reinforcing the network of hedgerows through additional planting. The hedgerows, community orchard/gardens and planting of a woodland copse would provide enclosure and screening of the built development, which would soften the new urban edge to Eastchurch created by the proposal. The hedgerow planting would also create a smaller field to the north of the site, which would aid the visual transition between Eastchurch and the wider landscape.
11. Despite the landscaping proposals, it is inevitable that the development of the site would extend into the currently undeveloped Hens Brook Valley, and result in some loss of the open character of the setting of this part of Eastchurch and urbanisation of the countryside. The submitted evidence indicates that this open character is relatively recent, resulting from the loss of field boundaries and hedgerows from the late 20th Century.
12. Dickson's Playing Field would be enclosed by development to the west. As a result, views across the countryside from this position would be replaced by views of the proposed dwellings, albeit these would be filtered by vegetation on the playing field's boundary. The appellant's Landscape and Visual Appraisal (LVA) confirms that this would have a moderate adverse visual effect for people visiting the playing field, albeit would be lessened during summer months.
13. A public right of way (PROW) enters the site from Lower Road and crosses the site in a north-westerly direction. Consequently, a stretch of the PROW would be contained within residential development rather than open countryside. The proposal's built form would be a strident addition in view points on the PROW from the north. Whilst the proposed hedgerow planting along the north western boundary would soften views of the development, the overall visual effect would initially be major/moderate adverse for people using the PROW. The replacement of boundary hedgerows, along with new areas of planting, would assist with integration of the development, reducing its visual effect over time.
14. The proposal would extend the settlement of Eastchurch west along Lower Road beyond the existing entrance to the village. It would be clearly visible on the approach from Lower Road and the new built form would increase the residential frontage onto the part of the road which currently has an open, rural character. Boundary planting and a new copse in the appeal site's southwestern corner would soften views, whilst providing separation of the built form from the wider landscape. However, people approaching Eastchurch on Lower Road would be aware of the introduction of new built form visible against the sky associated with the westward extension of Eastchurch's urban edge. This would have a moderate adverse visual effect for people using Lower

Road, which after 15 years would reduce to minor adverse, as a result of screening, including the woodland copse.

15. A second PROW is located to the east and northeast of the site as it runs along the edge of Dickson's Playing Field and eastern edge of the large field which the appeal site is located within. The appellant's LVA concludes that the visual effect from viewpoints on the PROW would be initially moderate adverse reducing to neutral/beneficial. This is as a result of the growth and establishment of the orchard, hedgerow and tree planting along the northern edge of the development. Having visited the site, I am in agreement with this conclusion.
16. The overall loss of the open character of the site would have an adverse effect on the site and surroundings. Whilst landscaping would be a detail for a future reserved matters application, the landscaping mitigation within the parameter plan would ensure that the effects on all receptors would reduce over time. However, the new dwellings would not be fully screened, and the effects after 15 years would be likely to be reduced by no more than a degree in each of the scenarios described above.
17. The proposal would extend the built form of Eastchurch in the direction of Kingsborough Manor, a residential area of 150 houses. Community woodland, which formed part of the original planning permission for Kingsborough Manor surrounds its eastern boundaries and provides both physical and visual separation from the appeal site. Despite their distance from the appeal site, and the intervening community woodland, glimpsed views of the roofs of dwellings in Kingsborough Manor are possible from the appeal site.
18. The Hens Brook Valley provides a significant intervening space between the appeal site and Kingsborough Manor. It is not identified as an Important Local Countryside Gap within the Local Plan. The submitted evidence indicates that the separation distance between Eastchurch and Kingsborough Manor would reduce from 810 metres to 690 metres. This would ensure a strong visual separation between the proposed houses on the appeal site and Kingsborough Manor. As a result, there would be no material change to the level of intervisibility of the two settlements in views from the surrounding roads and the two local public rights of way.
19. Furthermore, the proposal includes the creation of a small field, wooded copse, and orchard around the edge of the appeal site. These features combined with native hedgerows on the site's perimeters would provide an enclosure around this part of Eastchurch providing additional visual separation between the built form of the two settlements. I note comments from an interested party that both Eastchurch and Kingsborough Manor are visible in views from private properties on Plough Road. Whilst this may be the case, the proposal would maintain a significant development free gap and feeling of spaciousness between the appeal site and Kingsborough Manor. I do not find that there would be any harmful coalescence.
20. Overall, I find that the proposal would have a moderate adverse effect on the character and appearance of the area, with particular regard to the effect on the landscape. Part B of policy DM24 of the Local Plan relates to non-designated landscapes. It states that such landscapes will be protected and enhanced and that planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts. As outlined above,

the proposal follows the landscape guidelines set out within the SLSA and SLBA. Furthermore, the parameter plan demonstrates significant new landscaping which would ensure that the effects reduce over time. This would minimise and mitigate adverse impacts in accordance with this part of policy DM24.

21. The second criterion of Part B of Policy DM24 requires that when significant adverse impacts remain they should be balanced against the social and economic benefits. I have not identified any significant adverse landscape impacts and therefore this criterion of the policy is not engaged. Overall, I find that the proposal complies with Policy DM24 of the Local Plan.
22. However, as the proposal is for housing that would be located outside any defined development boundary there would be conflict with policies ST3 and ST6 of the Local Plan, as the site is not a suitable location for the proposed development having regard to the Council's development strategy.
23. The main parties agree that Swale cannot demonstrate a 5-year supply of deliverable housing sites, with the Council indicating a supply of 4.1 years. National policy requires local planning authorities to identify a minimum of five years' worth of housing. The main parties also agree that the current Local Plan is of age, having been adopted in 2017. As a result of these factors, the policies are of reduced, but still significant, weight, and must be weighed in any overall balance in the conclusion.
24. Whilst Policies ST3 and ST5 are strategic policies dealing with the spatial strategy they also refer to landscape and landscape setting, amongst other things. The moderate harm to the landscape, would therefore conflict with Policies ST3 and ST5, aspects of which require development to protect, conserve or enhance the landscape. The proposal would also conflict with the aims of the Framework which require decisions to recognise the intrinsic character and beauty of the countryside.

Local services and infrastructure

25. The Local Plan defines Eastchurch as a "Rural Local Service Centre". These provide most or all of the following: primary health care, education, organised sport and recreational facilities, food and other shopping, pub, post office and place of worship.
26. The range of available shops and services within Eastchurch is good, and given the site's location adjacent to the boundary of the built up area, many of these would be accessible for future residents by foot. Consequently, and in accordance with paragraph 83 of the Framework, the housing would be located where it would assist in enhancing or maintaining the vitality of rural communities. Future occupiers would use facilities and services within the village, thus benefiting the social and economic health of the community.
27. Furthermore, the S106 agreement provides contributions which would mitigate the impacts of the development. This includes contributions towards special education needs, youth services, libraries, social care, healthcare and highways works.
28. I note interested parties' concerns that the 63 dwellings would put unacceptable pressure on existing local services and infrastructure. Concerns are particularly focussed on the effect on local health and education facilities.

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In this regard, the submitted evidence sets out how the obligation for a financial healthcare contribution of £360 per person would meet the relevant tests, when applying the formula from the NHS Clinical Commissioning Group. Specific projects are identified for nearby GP Practices or medical centres on the Isle of Sheppey which are reasonably related to the appeal site.

29. Kent County Council (KCC) has sought financial contributions towards additional special education needs provision. The justification for the sums sought on a per dwelling basis for special education needs is set out in the KCC Appeal Statement. It therefore reflects proportionate contributions required to mitigate the impact from the development through the provision of additional special education needs places or facilities generated by the appeal proposal.
30. Additional obligations to KCC relate to adult social care, community learning and skills, youth and early services, libraries and household waste facilities. KCC have submitted a comprehensive appeal statement, together with additional information. An obligation to Swale Borough Council would also cover the cost of the provision of bins. A footpath obligation would secure a financial contribution for the provision of a 6.5 metre bridge to provide access from the proposed development to the northern section of Public Footpath ZS23.
31. Overall, the financial contributions are necessary, directly related to the development and reasonable in scale and kind to the development. Consequently, they would meet the tests at CIL Regulation 122.
32. The appeal proposal would comply with Policy ST3 of the Local Plan insofar as it identifies that the Rural Local Service Centres will provide the tertiary focus for growth in the Borough and the primary focus for the rural area. It would also accord with the aims of the Framework which expect policies to identify opportunities for rural settlements to grow and thrive, especially where this will support local services. Furthermore, because of the proposed obligations there would be no harm in relation to infrastructure capacity and so the appeal proposal would comply with Policies DM6, CP5, CP6 and DM17 of the Local Plan.

Swale and Medway Estuary Special Protection Areas and Ramsar sites

33. The appeal site is within the 6km buffer of the Swale and Medway Estuary and Marshes Special Protection Areas and Ramsar sites (the Sites), which are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Sites are easily disturbed by recreational activity from people and their pets and there is a reasonable likelihood that they would be accessed for recreational purposes by future occupiers of the development. Additional recreational visitors to the protected area would be likely to have significant effects when considered in combination with other proposals.
34. Local Plan Policies CP7 and DM28 require that a project specific Habitats Regulations Assessment must be carried out to ensure there are no likely significant effects upon any European designated site. The Habitats Regulations require that the competent authority must ensure that there are no significant adverse effects from development, either alone or in combination with other projects, that would adversely affect the integrity of

protected sites. As the competent authority, I must undertake an Appropriate Assessment (AA).

35. The Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (2014) (SAMMS) requires development to provide a financial contribution toward off-site strategic mitigation measures to conserve the integrity of the SPA. Such mitigation measures will include awareness raising, on-site wardening, provision of signage and access infrastructure, and provision or enhancement of green space away from the SPA. These measures are detailed, costed and a developer contribution tariff per dwelling is calculated.
36. The submitted S106 contains a planning obligation reflecting the required per dwelling contribution (index-linked) for SAMMS, which would be payable prior to any occupation of the proposed dwellings. Natural England have been consulted and agree that the payment can avoid an adverse effect on the integrity of the SPA.
37. I am satisfied that delivery of the mitigation secured by the appellants' financial contribution would ensure that the appeal proposal would not have an adverse effect on the integrity of the Sites. Therefore, the proposal would comply with Policies CP7 and DM28 of the Local Plan, the requirements of which are outlined above.

Other Matters

38. Interested parties have raised concerns about the affordability of the dwellings for local residents. The S106 would secure 15% of the total number of units as affordable dwellings which would ensure that a proportion of the units would be affordable for local people.
39. Interested parties also state that the proposed development would harm highway safety, with concerns raised about an increase in traffic, the level of parking provision, the safety of the vehicular accesses and issues with existing parking locally. The appellant's Transport Assessment and Addendums are detailed and include modelling and an assessment of road collision data. Overall, I have been provided with no substantive evidence which would prompt me to disagree with the conclusions of Kent County Council, as highways authority, which was that there would be no unacceptable harm in these respects. I note that the proposal would also include a mobility hub which will be secured by planning condition and is designed to promote the use of sustainable transport options.
40. In relation to concerns about the effect of the proposal on wildlife and biodiversity and light pollution, I have imposed planning conditions requiring the submission of a Landscape and Ecological Management Plan, a Precautionary Mitigation Strategy and a lighting plan in order to protect and enhance biodiversity on the site.
41. I acknowledge concerns related to the density of the development and the effect of the proposal on living conditions of neighbouring occupiers. Matters relating to layout and design are reserved matters and would be dealt with at any subsequent reserved matters application. The proposal was submitted with several relevant documents associated with the layout of the scheme. These include a Parameter Plan (showing the broad location of different types

of development within the site) and an indicative Layout (though this would not form an approved document). However, it does indicate how the appellant envisages the scheme coming forward. The indicative layout suggests that a scheme could be brought forward on the site without affecting neighbouring occupiers' living conditions, albeit the final layout will be determined by future reserved matters applications.

42. In relation to concerns about security, I note that Kent Police have not raised objection to the proposal but have requested a Secured By Design condition. I have imposed the condition to ensure that future reserved matters applications are accompanied by sufficient detail.
43. A number of other matters have been raised by interested parties and I have taken them all into account. These include pollution, and the impacts on water capacity, power cuts and internet capacity. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects. Consequently, they do not lead me to a different overall conclusion than that the appeal should be allowed.

Conditions

44. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
45. I have imposed standard conditions relating to the submission and timing of reserved matters applications and the commencement of development. An approved plans condition is imposed in the interests of certainty.
46. I have included the Council's suggested conditions requiring a Landscape and Ecological Management Plan, a Precautionary Mitigation Strategy and a lighting plan in order to protect and enhance biodiversity on the site. Conditions relating to hard and soft landscaping, refuse storage, boundary treatment and external materials are necessary in the interests of the character and appearance of the area. A condition related to cycle storage is necessary to promote sustainable modes of transport, and a condition relating to high speed broadband is necessary to provide high quality digital infrastructure.
47. I have imposed conditions relating to car parking, road layouts, highway works and visibility splays in the interests of highway safety. A condition relating to Secured By Design principles is necessary in the interests of crime prevention. In the interest of promoting sustainable design and construction I have imposed a condition requiring a Sustainability Strategy. Conditions related to surface water drainage and land contamination are necessary to ensure the development is served by satisfactory arrangements for the disposal of surface water and to prevent detrimental impact on human health or water courses.
48. Conditions requiring a Construction Environmental Management Plan and controlling the hours of piling works and construction works are necessary to mitigate the effects on neighbouring occupiers' living conditions. In the

interests of inclusive design I have imposed a condition requiring the provision of wheelchair accessible dwellings.

49. Bearing in mind the PPG's advice that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary for conditions which would restrict permitted development rights for the dwellings.
50. I have not imposed the suggested condition requiring the provision of electric vehicle charging points as the PPG sets out that compliance with other regulatory requirements, such as the Building Regulations, will not meet the test of necessity and may not be relevant to planning.

Planning Balance and Conclusion

51. I have concluded that the proposal would conflict with Policies ST3 and ST6 of the Local Plan which seek to confine housing development to within the built-up area boundaries. I have also found that the proposed development would have a moderate level of landscape and visual harm, and would therefore further conflict with the landscape requirements of policies ST3 and ST6. The adverse effects of the proposed development would be localised and limited to a site which is a non-designated, non-valued landscape, and would be minimised by the implementation of the landscape proposals, which would come forward in future reserved matters applications. However, the proposal would not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.
52. The Government's objective is to significantly boost the supply of homes. The main parties agree that Swale cannot demonstrate a 5-year supply of deliverable housing sites. Because of this, paragraph 11 d) of the Framework is engaged. It is therefore necessary to consider whether there are other considerations that indicate a decision other than in accordance with the development plan. In this case the approach to decision making set out in paragraph 11(d)(ii) of the Framework is engaged. There is no conflict with the policies of the Framework that protect areas or assets of particular importance. It follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. The appeal proposal would provide upto 63 homes. Having regard to the housing land supply position in the Borough, and the general imperative to boost the supply of housing set out in the Framework, I attach substantial weight to the delivery of market housing. In addition, 15% of the homes would be affordable, as secured by the S106 obligation. This would make a meaningful contribution towards affordable housing within an area which is experiencing acute and increasing housing affordability issues. Consequently, this would be a substantial social benefit weighing in favour of the appeal proposal.
54. Economic benefits, including from direct and indirect jobs created by the proposal attract weight. As some of these benefits would be temporary jobs relating to the construction phase, I attach moderate weight to the economic

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benefits. In addition, I have found future occupiers would use shops and services within Eastchurch, thus benefiting the social and economic health of the community. Due to the scale of the development, I afford this economic benefit moderate weight.

55. The parameter plan demonstrates that the proposal will provide a large area of public space, which would incorporate a community orchard/gardens. The green infrastructure and open space would provide some benefits for the wider community as well as future residents of the proposal, and therefore this is afforded moderate weight. The main parties agree that the proposal would secure 30% Biodiversity Net Gain (BNG) which is significantly above the 10% existing BNG requirements, and consequently this attracts significant weight.
56. A mobility hub is proposed and would be secured by planning condition. This would include provision to support sustainable travel options, including by supporting the future expansion of a car club onto the Isle of Sheppey. I am in agreement with the main parties that the mobility hub attracts moderate weight.
57. Taking all of the above into consideration, the adverse impacts associated with the conflict with the development plan due to the site's location outside the planning boundaries and effect on the landscape do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development, and this indicates that planning permission should be granted.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout, scale and appearance of the buildings, and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such applications for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3) The development to which this permission relates must be begun no later than the expiration of 2 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.
- 4) The development hereby approved shall be carried out in broad accordance with the parameters as set out in the following approved plans: Drawing Number 1600.002 Rev A – Site Location Plan (Received on 21 September 2021); Drawing Number 1600.004 Rev B – Parameter Plan (Received on 05 May 2022) and Drawing Number 205448-PD02 – Proposed Site Access General Arrangement and Visibility (Received 21 July 2022).
- 5) Within the first reserved matters application, a Precautionary Mitigation Strategy shall be submitted which will be produced in alignment with the recommendations set out in sections 4.20 to 4.26 within the Preliminary Ecological Appraisal (The Ecology Partnership July 2020). The measures shall be implemented in accordance with the approved strategy thereafter.
- 6) Applications for the approval of reserved matters in relation to landscaping submitted in pursuance to condition 1 shall include full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; any decking; any minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 7) Applications for the approval of reserved matters in relation to landscaping submitted in pursuance to condition 1 shall include a Landscape and

Ecological Management Plan (LEMP). The content of the LEMP will be based on the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (Ecology Partnership February 2023) and shall include the following details:

- a. Description and evaluation of features to be managed;
- b. A native species-only planting schedule and source of any seed mixes used;
- c. Ecological trends and constraints on site that might influence management;
- d. Aims and objectives of management;
- e. Appropriate management prescriptions for achieving aims and objectives;
- f. Preparation of a work schedule (including an annual work plan);
- g. Details of the body or organisation responsible for implementation of the plan;
- h. Ongoing monitoring and remedial measures; and
- i. The legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

- 8) Applications for the approval of reserved matters in relation to landscaping in pursuance of condition 1 shall include a Lighting Design Plan (which shall be overlain on the landscape plan) having particular regard for biodiversity. The plan will show the height, external appearance, light intensity, colour and spillage and locations of external lighting, demonstrating that areas to be lit have taken account of the recommendations of the Bat Conservation Trust and the effects of lighting will be minimised with regard to disturbance of bat activity. All external lighting will be installed in accordance with approved Lighting Design Plan and maintained thereafter.
- 9) Applications for the approval of reserved matters in relation to layout submitted in pursuance to condition 1 shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. No dwelling shall be occupied until the areas shown for parking or garaging has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.
- 10) Applications for the approval of reserved matters in relation to appearance submitted in pursuance to condition 1 shall include details of all materials to be used externally. The development shall be implemented in accordance with the approved details.
- 11) Applications for the approval of reserved matters submitted in pursuance to condition 1 shall include a Statement setting out how the development complies with Secured By Design principles. The development shall be implemented in accordance with the approved details which shall thereafter be retained.

- 12) Applications for the approval of reserved matters submitted in pursuance to condition 1 shall include a Sustainability Strategy setting out how the development incorporates sustainable design and sustainable methods of construction as well details for the provision of the following:
- Open spaces
 - A community orchard and food growing
 - Electric vehicle charging points
 - A mobility hub
 - Car share scheme if viable
 - Internet shopping lockers
 - Cycle storage
 - Covered bus stop as opportunity to provide biodiversity gain on the roof
- The Sustainability Strategy should also include a timetable for implementation and delivery of the aspects listed above. The development shall be implemented in accordance with the approved details which shall thereafter be retained.
- 13) No development shall take place until details of proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.
- 14) Applications for the approval of reserved matters in relation to layout submitted in pursuance to condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.
- 15) No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the Flood Risk Assessment dated August 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of at a rate equivalent of 10.6l/s without increase to flood risk on or offsite. The drainage scheme shall also include (with reference to published guidance:
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
 - ii. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - iii. A timetable for its implementation.
 - iv. Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - v. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

- 16) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 17 to 19 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 20 has been complied with in relation to that contamination.
- 17) No development shall take place until a desktop study and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. desktop study and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health.
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 18) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 19) No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The

- Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
- 20) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which shall be submitted to and approved in writing by the Local Planning Authority. The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 18 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.
- 21) No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting, pollution incident control measures, wheel chassis cleaning facilities, routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, temporary traffic management / signage and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.
- 22) No building within the development hereby permitted shall be occupied (or within an agreed implementation schedule) until a signed verification report carried out by a qualified drainage engineer (or equivalent) has been submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems has been constructed as per the agreed scheme and plans. The report shall include information and evidence (including photographs) of details and locations of critical drainage infrastructure (such as inlets, outlets and control structures, landscape plans) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.
- 23) No dwelling shall be occupied until the off-site highway works to provide the footway, bus lay-by, bus shelter and carriageway realignment as shown on drawing numbers 205448-PD01 Rev C and 205448-A02 Rev G have been constructed and available for use. In the event of the footway approved by planning permission 18/500887/FULL not having been

constructed, the alternative off-site highway works to provide the footway, bus lay-by, bus shelter and carriageway realignment as shown on drawing numbers 205448-PD02 and 205448-A05 shall be constructed and available for use.

- 24) No dwelling shall be occupied until the following works between the dwelling and the adopted highway have been completed:
- a) Footways and/or footpaths, with the exception of the wearing course;
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- 25) The access shall not be used until vision splays have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 1.2m above carriageway level shall be permitted within the splays thereafter.
- 26) No dwelling shall be occupied until details of the cycle storage arrangements for the dwellings, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.
- 27) No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.
- 28) No dwelling shall be occupied until details of the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.
- 29) No dwelling shall be occupied until details for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to all dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until a the infrastructure capable of connection to commercial broadband providers has been installed in accordance with the approved details and shall be maintained thereafter.
- 30) A minimum of 5 of the dwellings hereby approved shall be provided as wheelchair accessible dwellings and the remaining dwellings should be provided as accessible and adaptable dwellings in accordance with Volume 1: Dwellings of Approved Document M – Access to and use of buildings 2015 Edition (as amended by 2016) of the Building Regulations 2010 (or any amending Regulation).

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- 31) No construction in relation to the development herein approved shall take place outside the hours of 0800–1300 on Saturday and not at any time on Sunday or Public Holidays.
- 32) No impact pile driving in connection with the construction of the development shall take place outside the hours of 0900-1700 Monday to Friday (inclusive) and not at any time on Saturday, Sunday or Public Holidays.

END OF SCHEDULE