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## Appeal Decision

Hearing held on 25 February 2025

Site visit made on 25 February 2025

**by David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

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### Appeal Ref: APP/K2420/W/24/3348387

#### Land East of The Common, Barwell, LE9 8BR

- 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 Redrow Homes Ltd (Harrow Estates Division) against the decision of Hinckley and Bosworth Borough Council.
  - The application Ref is 23/01229/OUT.
  - The development proposed is the demolition of all buildings on site and development of up to 95 dwellings, together with associated access, open space and landscaping.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of all buildings on site and the development of up to 95 dwellings, together with associated access, open space and landscaping, at Land East of The Common, Barwell, LE9 8BR in accordance with the terms of the application, Ref 23/01229/OUT, and the plans submitted with it, subject to the conditions in the attached Schedule.

### Preliminary Matters

2. The application is in outline format with all detailed matters, other than the access to the site, reserved for subsequent consideration. I have therefore treated the other plans submitted including a potential site layout as for illustrative purposes only.
3. A formal Unilateral Undertaking Planning Obligation (UU), dated 24 January 2025 and signed by the appellant company has been submitted for the appeal. In summary, the UU makes provision for affordable housing; and makes contributions towards: the provision of open space and its maintenance; outdoor sports; healthcare facilities; highway improvements; library improvements; disposal of waste and the monitoring of the agreement. I have had regard to the UU as a material consideration subject to my assessment of it meeting the tests specified in paragraph 58 of the National Planning Policy Framework (the Framework) as set out in paragraph 42 below.
4. The main parties have agreed and updated a Statement of Common Ground. Within this the Council agrees that technical issues regarding highway matters have been addressed, subject to conditions, and therefore the second reason for refusal has been withdrawn. Moreover, the Council agrees that the UU mentioned above adequately demonstrates the provision of affordable housing in excess of the Council's adopted policies and also makes appropriate contributions towards

improvements to social and community infrastructure. Therefore, the Council has withdrawn reasons for refusal three and four.

## **Main Issues**

5. The first two main issues relate to the Council's stated reason (No.1)) why outline planning permission was refused. The third one stems from a previous appeal decision (APP/ K2420/W/23/3295558) issued in March 2023 (now referred to as the 2023 appeal) where the inspector raised concerns about the quantum of residential development then proposed by the appellants on a similar site. The main issues are therefore:

- The principle of housing development on this site;
- The effect on the character of the area including the local countryside landscape and the character and function of a Green Wedge; and
- The quantum of development proposed.

## **Reasons**

### *Background*

6. The appeal site comprises a collection of fields, about 11ha in extent, mostly used as 'pony paddocks' which lie on the eastern edge of the small town of Barwell. The fields tend to be separated with sparse hedgerows and occasional mature trees. The land slopes from north to south away from Dawsons Lane, a narrow lane/ public path which lies along the northern edge of the site. The site also abuts existing commercial development and housing to the east of The Common, a relatively narrow main street with on-road parking, and from where the vehicular access is proposed for the development not far from the roundabout junction with the A47 and Leicester Road.
7. The planning history of the site is relevant to this appeal. An outline proposal made by Gladman for 185 houses was dismissed on appeal in 2017 under ref. APP/K/2420/W/17/3188948. A second appeal, related to a scheme by the current appellant for 110 dwellings on a similar site (the 2023 appeal as mentioned above) was dismissed in March 2023. In this appeal, the inspector concluded that while the Council could only demonstrate a 4.76 year supply of deliverable housing sites at that time, the adverse effects of the proposal would significantly outweigh the benefits. The inspector identified the adverse effects as: the physical loss of part of the Green Wedge and the resulting diminishing of its value and the effects this would have on the quality of life of local residents; and concerns over the quantum of development which was judged not to be capable of being accommodated on site in a manner which would respect the character and appearance of the area.
8. The appellant's team says that the current proposal has been modified in an attempt to overcome the concerns raised by the previous inspector.

### *Policy context and housing land supply (HLS)*

9. The development plan relevant to this appeal comprises the Core Strategy DPD 2006-2026 adopted in 2009 (CS) and the Site Allocations and Development Management DPD adopted in 2016 (SADM). The Council commenced the preparation of a new Local Plan in early 2018. Although it is apparent that public

consultation took place in 2021/22, the Council decided in July 2024 to carry out a new consultation on a revised plan, taking account of the wider needs for housing in Leicester City. At the time of the hearing the Council was not able to say what the revised Development Plan Scheme will be and the likely timescale of examination and eventual adoption of the emerging plan. Given the very early stage in the plan making process the emerging plan is not directly relevant to this appeal.

10. The Supplemental Statement of Common Ground sets out the parties' relative position where the Council confirms it can only demonstrate a 3.55 year supply whereas the appellant considers the supply is 3.23 years compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024. Both of these calculations are based on the methodology now applying in the Framework including the application of the 5% buffer. There is therefore a material shortage at the moment in the supply of deliverable housing sites locally and which is greater than the position examined by the inspector in the 2023 appeal where HLS was agreed to be 4.76 years.
11. Therefore the proposal needs to be considered in the context of paragraph 11(d) of the Framework. Moreover it is apparent that the under-provision of housing is in part related to the delay in the implementation of the two main Sustainable Urban Extensions (SUEs) identified in the Core Strategy. I understand that the Council have only recently granted outline permission for part of the housing growth at Barwell but this was supposed to be delivered by 2026.
12. The lack of five-year supply, the continuing delay with previously identified sites coming forward and the uncertainty over the timescale of examination and adoption of the emerging local plan are factors to which substantial weight needs to be given. Consequently the Core Strategy adopted in 2009 has to be regarded as out-of-date as the development strategy put forward has not been achieved. This reduces the weight that can be given to Core Strategy policies which restrict development including on sites in a Green Wedge.

#### *Principle of development*

13. In terms of the application of local policies the appeal site lies outside but adjoins the settlement boundary of Barwell. As such the site lies in the countryside and SAMD Policy DM4 applies. This restricts development to specific sustainable forms of development which need to be located in the countryside but this does not include general housing and the appeal proposal conflicts with this policy.
14. However, the Council recognises that in the light of the present HLS position, limited weight can be given to the conflict with the first part of Policy DM4 and the criteria set out in parts (a) to (e). The Council indicates that a housing proposal should now be assessed against the criteria (i)-(v). In these, the relevant tests are (i), whether a proposal would have a significant adverse effect on the open landscape character of the countryside; and (ii)/(iv) whether the proposal would undermine the physical and perceived separation between settlements and protect the role and function of a Green Wedge.
15. SADM Policy DM10 is also applicable to the principle of development and the relevant test in this is part (a) - whether a proposed development would have a significant adverse effect and cause visual intrusion.

*The effect on the landscape character of the area*

16. In considering this issue I have taken account of the appellant's Landscape and Visual Impact Assessment (LVIA) prepared by Mr Peachey and to the similar assessment made by Mr Wakefield for the Council . Moreover, at the part of the hearing held on site I considered the visual and physical impact of the development proposed from the agreed viewpoints on the 'walking route'.
17. The appeal site lies in Landscape Character Area F - Burbage Common Rolling Farmland as defined in the Council's Landscape Character Assessment (2016). The local area displays the key characteristics of large-scale gentle rolling arable and pasture farmland with local variations in topography influenced by small streams. The medium scale field patterns tend to be rectilinear bounded by low hedgerows and post and rail fencing with smaller pasture fields around settlements. Field boundaries and hedgerows generally follow contours.
18. The LVIA considers the development proposals as built and after 15 years when the proposed landscaping has matured. Also I note the changes made to the illustrative plan from the 2023 appeal scheme where it is now proposed to build in the north-west quadrant of the site; the eastern edge of the site is varied with the introduction of a small park and other landscaped areas, but the paddocks at the southern and south-western parts of the site are proposed to be partially developed. I also note the proposal to fragment the individual housing groups with belts of new planting.
19. In terms of the physical effects on the wider landscape the parties agree that the magnitude of impact will be low and there will be a minor adverse effect in the long term. In respect of the visual effects the parties agree that there would be minor adverse effects from many of the limited views around the appeal site, especially from the public right of way to the east of the site and from the A47 and Leicester Road.
20. Where the parties disagree and where Mr Wakefield (Node) considers there would be major to moderate adverse effects in the scale of visual impact is from views along Dawsons Lane and the allotments to the north; from Shilton Road on higher ground further to the north; from The Common around the proposed access point; and from Garner Close. I considered the effect of the development from each of these viewpoints at the site visit.
21. From Shilton Road there are long distance views looking south over an open field to a wide tract of countryside (LVIA viewpoints 1a, 1b and 1c). In my judgement the proposed housing development would cause limited change to the appreciation of the wider landscape seen from this viewpoint. From the eastern edge of this gap the topography and vegetation would effectively limit the visual impact of the proposed housing development and the long-distance views would remain over the rooftops on the new houses.
22. There were various viewpoints from along Dawsons Lane through gaps in the hedgerows that exist along the southern side of the lane (LVIA viewpoints 2 and 3 and Nodes viewpoints 1 and 4). This hedgerow comprises mainly hawthorn species but it is also thick with ivy which makes it a strong and containing visual barrier even at the time of the visit in late winter where most of the deciduous trees were without leaves. I also took account of the varied part of the proposal to introduce a landscaped belt some 12-20m wide to the north of the proposed

housing development. I understand Mr Wakefield's assessment that the impact here would be major-adverse because of the permanent loss of views from the footpath over the local countryside landscape. However, on the visit I found that these views are limited to a few gaps in the hedgerow and there would not be a significant change in the long term to the appreciation of the rural landscape by walkers along Dawsons Lane.

23. I also visited the front door of three houses on the northern side of Dawsons Lane at the request of the occupiers and considered the effect of the development proposed. Clearly the views from these properties would change in that the roofs of the proposed houses are likely to be seen above the hedge and intervening new landscaping, although at a distance and at a lower level. However, this change to existing private views from these properties does not amount to additional harm to the public realm and the effect would not harm the residential amenity of the occupiers of these properties.
24. I agree that the visual and physical form of the rural landscape at the southern end of The Common would change with the introduction of the vehicular access to the site and the construction of a new row of houses to the north of the access road, together with the removal of about 50m of existing hedgerow to form sight lines. However the extent to which this change would be noted would be from around the access itself and the end of the existing built-up area. There would not be a harmful visual effect from around the main road junction as the roads are contained with mature landscaping at this point.
25. Finally I looked at the development proposed from within the residential environment of the relatively new housing estate at Garner Close. Although probably one new house would be visible along a grassy swale in the existing development, I assess this change to the rural landscape as experienced by local residents in the Close, as slight and not harmful.
26. Overall, I tend to agree with the LVIA assessment of the physical and visual effects on the landscape character of the area and find that the proposed development would at worst have a moderate harmful effect limited in extent when built but this would reduce when the planting proposed matures.

#### *The effect on the Green Wedge*

27. The site lies in an area identified in the CS as the Hinckley/Barwell/East Shilton/Burbage Green Wedge to which Policy 6 applies. This seeks to only accommodate uses, such as recreational facilities, which would not damage the function of the wedge and its contribution towards the quality of life for nearby residents. The Wedge applies to a large area generally to the east of Hinckley and the appeal site would occupy part of the north-east corner.
28. Part of the function of the Green Wedge is to prevent coalescence and protect the individual identity of the specified settlements. At the site visit it appeared to me that the local part of the Wedge between Barwell and East Shilton had already physically joined up on an east-west axis. There is an open field to the south of Shilton Road, (as referred to in paragraph 21 above) where the width and depth of the Green Wedge is apparent. However, for the same reasons given about the landscape impact, I do not consider that the appeal proposal would result in a material visual incursion into the green space. Similarly from the other viewpoints mentioned above I find that the proposal would not materially decrease the visual



quality of the space although there would be a clear loss to part of its physical extent.

29. In terms of the function of the Wedge there is no direct public access to the land which is mainly used for private recreation involving the keeping of horses. The appellant says that there would be a public benefit of the creation of new footpaths through the site from Dawsons Lane which is a minor benefit. However, even though there is no direct public access to the land at the moment, it is clear from the comments made by the local people at the hearing and in the written representations that they regard it as a special place and a green lung for the local community and it contributes to their quality of life.

#### *Quantum of development*

30. The appeal proposal is for the erection of 95 houses which is the same scale as that of the 2023 appeal where the appellant offered to reduce the scale of development from 110 to 95 dwellings. Although also an outline proposal with all details reserved, other than the access to the site, that inspector had regard to a submitted Testing Layout which was considered alongside the illustrative masterplan. The inspector concluded that s/he was not satisfied that the quantum of housing proposed could be accommodated on site in a manner which would respect the character and appearance of the area. The inspector also referred to the apparent lack of landscaping within the development proposed.
31. The current appeal scheme includes a Built Form and Landscape Design Code which the appellant says the details of the proposed development will adhere to. The Code sets out site-wide 'mandatory' principles and overall parcel densities along with minimum distance standards and restriction on height, and a comprehensive landscaping strategy.
32. Considered on its face the Design Code provides sound principles to ensure a well-planned and landscaped development and achieve a well-planned place in accordance with section 12 of the Framework. The submitted illustrative plan of the layout generally accords with the terms of the Code. However, it was apparent to me at the site visit that the new parcel of housing land in the north-west corner of the site in part appeared to involve housing units which are to be sited very close to the boundary of the site adjacent to the existing 'Enterprise Centre' - a business and industrial site with access off Dawsons Lane. The housing on this part of the illustrative layout appears cramped in its setting with a poor residential environment and is likely to have a visual imposing appearance to the neighbouring land.
33. I would expect a reserved matters application of the site layout to address these points. Nevertheless, that element of the layout aside, I am satisfied that with the terms of the Design Code embedded in a planning condition, the appellant's team have reasonably demonstrated that the quantum of development proposed can be undertaken in an appropriate manner. The Design Code is consistent with national policy set out in section 12 of the Framework and the general criteria set out in Policy DM10 to ensure that the development would respect and enhance the character and appearance of the area

#### *Other Matters*

34. Local residents also raise objections to the likely traffic generation from the new houses proposed and the effect this may have on The Common which is relatively

narrow and has on-street parking. However, the highway authority now advises that the improvements agreed overcome the concerns previously expressed. There is no other technical evidence before me to establish that the effects of the additional traffic on the local road network would be severe or that the access to the site cannot function in a safe manner.

35. Residents also say that the site is a habitat for wildlife and this would be lost to the development. Nevertheless, the appellant has commissioned a formal Ecological Survey and Assessment undertaken and this puts forward proposals to mitigate the permanent loss of six pasture fields. Moreover, it has been demonstrated that the Biodiversity Net Gain would exceed the current statutory 10% minimum level and the implementation of this mitigation can be conditioned.
36. Concern was also expressed about the development exacerbating surface water flooding problems in the area. However, no objection is put forward by the statutory drainage bodies. The technical evidence submitted through a Flood Risk Assessment concludes that the development will not increase flood risk to the wider catchment area subject to the normal measures put forward through a Site Drainage Strategy and the implementation of this can be conditioned.
37. These other matters raised therefore are not supported by clear evidence to make them determinative issues.
38. Concern was also raised about the impact of the development on local services and on infrastructure. Some of these concerns are beyond the scope of planning control over development, however the legal agreement mentioned in paragraph 3 above also makes provision for stated contributions towards improvements to sports facilities, healthcare, libraries and waste disposal.
39. On the evidence submitted by the Council and Leicestershire County Council I am satisfied that the contributions set out in the UU are necessary to make the development acceptable in planning terms; are directly related to the development and fairly and reasonably related to the development in scale and kind. The requirements of Regulation 122(2)<sup>1</sup> and paragraph 58 of the Framework are therefore met.
40. The UU makes provision for affordable housing as part of the proposed scheme. This would amount to above 35% provision which exceeds the Council's normal policy requirements for new development outside of a settlement.

### *Planning balance*

41. On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council's HLS position. The proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a *significant adverse* effect which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10.
42. The proposed housing development would not materially spoil the value of the Green Wedge in visual terms but it would erode the physical extent of this open area and its function in contributing towards the quality of life of local residents. However, reduced weight also has to be given to this CS policy because of the

<sup>1</sup> Of the Community Infrastructure Levy Regulations 2010, as amended.

Council's HLS position and the lack of new housing sites coming forward as originally planned. Finally, the appellant has now demonstrated (with some minor revision to the illustrative layout needed at the detailed stage) that the quantum of development proposed is reasonable for the site, with an appropriate and well-landscaped form, as set out in the Design Code, and there is no conflict with the relevant parts of Policy DM10.

43. The limited conflict with the development plan must be balanced with other considerations. The proposal would make a meaningful contribution to the supply of new houses locally and help to meet the present under supply and I have doubt over whether this undersupply will be rectified soon through the formal plan making process. I also give significant weight to the above policy requirement for affordable housing and I have taken account of the wider social and economic benefits for Barwell as set out in the appellant's Social Economic Report (Turley December 2023) which are not contested by the Council.
44. Overall, I conclude that the circumstances of the current appeal scheme are materially different to those applying in the appeal 2023. In applying the test set out in paragraph 11(d) of the Framework I find that the adverse effects that the proposed development would cause, including the loss of the appeal site land to the function of the Green Wedge, are greatly outweighed by the benefits of development in this sustainable location. I find that the limited conflict with development plan is outweighed by other considerations including the general accord with the Framework when this is read as a whole. The appeal should therefore be allowed.

### *Conditions*

45. The Council recommends that 31 conditions be imposed which I will consider under the same numbering. Some of the conditions are 'pre-commencement' ones, to which specific regulations apply, and the appellant has agreed to them.
46. In addition to the normal conditions governing the submission of reserved matters and the implementation of development (No's 1,2 and 3) it is necessary to set out the plans and documents that form part of the permission including the Design Code (No.4) to ensure that the development meets the quality standards put forward in this appeal. For similar reasons the parameters of the development should be specified (No.5) and generally accord with the illustrative master plan (No.6) but I have amended this to take account of my comments in paragraphs 22 and 23 above. It is also necessary to ensure an appropriate housing mix to meet general local housing needs (condition 25) for the development as per the scheme submitted with the appeal.
47. Condition No.14 regarding the submission and approval of external material is necessary so that the appearance of the development is appropriate for the area, and I will impose condition No.21 regarding the submission and agreement of existing and proposed floor levels, as the site slopes.
48. In the interest of avoiding pollution is it reasonable to impose conditions No's 7 and 8 for the investigation of any ground contamination and its remediation. In order to ensure that biodiversity around the site is enhanced, it is necessary to impose condition No.9 in respect of ecological constraints and opportunities as well as implement the recommendations of the Biodiversity Net Gain Plan (No.10) and put



special measures in place to ensure a pre-commencement check for protected species (No.11).

49. Condition No.13 is reasonable in case there are items of archaeological importance in the site which need to be assessed and recorded. In order to ensure the development is properly drained and to avoid flooding conditions No's 15, 17 and 18 are reasonable and necessary. To maintain the landscape features of the site condition No.20 is necessary so that protection measures are also installed before construction work commences. Likewise it is necessary to secure a landscaping plan (No.26) and the subsequent implementation and management of this plan (No.27).
50. In order to control the impact of the development during the construction phase, a condition requiring the submission and agreement of a Construction Environmental Management Plan is necessary (No.16) as well as a Construction Traffic Management Plan to ensure the appropriate routing of construction vehicles (No.19). As some of the dwellings proposed lie close to commercial/industrial premises, a condition requiring noise mitigation measures to be agreed and implemented is necessary (No.22).
51. In order to ensure highway safety I will impose condition No. 28 regarding traffic calming measures and the access to the site shall be implemented in accordance with the submitted detailed drawings (No.29). In it is also reasonable to impose condition No.30 to secure the implementation of a travel plan to promote sustainable transport. Finally, to encourage the use of more sustainable energy it is reasonable to impose conditions No.31 in accordance with the submitted Energy Statement.

### **Conclusion**

52. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Ms T Osmund-Smith	Barrister, Counsel for the appellant.
Mr B May MRTPI	Planning Consultant
Mrs S Ryan MRTPI	Planning Consultant
Mr J Peachey	Landscape and visual impact Assessment
Mr J Vernon-Smith	Urban Designer
Mr T Norden MRTPI	Harrow Estates, Appellant

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### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms L Buckley-Thomson	Barrister, Counsel for Hinckley and Bosworth Borough Council.
Ms L Ashton MRTPI	Planning Consultant for HBBC.
Mr N Wakefield MRTPI	MD, Node Urban Design

### **INTERESTED PARTIES:**

Mrs D Vernon MBE	Local resident
Mr J Ensor	Local resident
Mr Ervin	Local resident

### **Documents handed in at the Hearing**

1. Supplemental Statement of Common Ground- dated 25.02.2025 and signed by the main parties.
2. Planning conditions as agreed by the main parties.
3. CIL Compliance Statement - HBBC - submitted 25 February 2025.
4. Appeal site visit walking route – agreed by main parties 25 February 2025.

## **Schedule of conditions**

### **RESERVED MATTERS**

1. Details of the internal access arrangements, appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to the development shall be submitted to and approved in writing by the local planning authority before any development begins. Development shall be carried out in accordance with the approved details thereafter.
2. Applications for approval of reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

### **PLANS AND DESIGN CODE**

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan: HAR102-1001D
  - Site Access drawing : 332610546/5501/001 PO3
  - Parameters Plan HAR102-3051C
  - Design Code – dated 18 December 2023

### **DEVELOPMENT PARAMETERS**

5. The reserved matters to be submitted in accordance with condition 1 will comply with the Parameters Plans identified in Condition 4 and, for the avoidance of doubt the following parameters:
  - A maximum of 3.9 hectares of land for residential development (including roads)
  - No less than 7 hectares of green infrastructure, including no less than 4 hectares of grassland
  - Buildings to be no more than 9 metres in height
6. All reserved matters applications shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G, other than in respect of the development parcel in the north-west corner of the site, and the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001.

### **CONTAMINATION**

7. Development shall not begin, including works of site clearance and preparation (other than as required to be carried out as part of an approved scheme of remediation) until a scheme for the investigation of any potential land contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how any contamination is to be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be completed prior first use of that part of the site for the intended purpose.
8. Any contamination that is found during the course of development that was not previously identified, shall be reported immediately to the local planning

authority. Development on the affected part of the site shall be suspended until an addendum to the scheme for the investigation of all potential land contamination and implementation pursuant to condition 7 above is submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

### ECOLOGY

9. An Ecological Constraints & Opportunities Plan, taking into account the findings of the Ecological Survey & Assessment PCAJ199/V2 dated Dec 2023, shall be submitted to and approved in writing by the Local Planning Authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:
  1. Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
  2. Areas and features where opportunities exist to undertake necessary mitigation and compensation.
  3. Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
  4. Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
  5. Areas needing protection on site during the construction process.
  6. Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.Thereafter the development shall be carried out in accordance with the approved ECOP.
10. Details with respect to a Biodiversity Net Gain Plan (the Plan) taking into account the BNG Assessment PCAJJ83/BNG/V2/Final dated Dec 2023 shall be submitted to and approved in writing by the LPA. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by PCA Ltd. The Plan shall include the following details:
  - A) Location plan of the areas to be used for Biodiversity Net Gain;
  - B) Description of existing habitats on site;
  - C) Description of planned habitat creation/enhancement, including species to be planted/sown;
  - D) Timetable for implementation of habitat creation/enhancement;
  - E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
  - F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.The Plan shall thereafter be implemented in accordance with the approved details.
11. The development hereby permitted shall not commence until an Ecological Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this

condition, the Local Planning Authority expect to see details concerning pre-commencement checks for badgers, otters, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The Construction and Ecological Management Plan as approved shall thereafter be implemented in full.

#### WASTE

12. A waste management plan shall be submitted to and approved in writing by the LPA. The waste management plan shall include a site wide scheme of waste and recycling storage containers and collection which shall be submitted to and approved in writing by the Local Planning Authority. The scheme should provide details of accessibility to storage facilities and demonstrate that adequate space is provided to store and service wheeled containers. The approved site wide scheme of waste and recycling shall be implemented prior to the first occupation of the development and retained in accordance with the approved scheme thereafter.

#### ARCHEOLOGY

13. Details of a scheme of archaeological investigation shall be submitted and agreed in writing by the Local Planning Authority.. The programme should 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 development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and
  - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - 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.

#### MATERIALS

14. Details of the construction materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of the types and colours of materials to be used on the external elevations of the dwellings. The development thereafter shall be implemented in accordance with those approved details.

#### DRAINAGE MAINTENANCE SCHEME

15. Prior to the first occupation of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority full details of the long-term maintenance of the surface water drainage system and sustainable urban drainage elements. The details shall include responsibilities



and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system, and, procedures that may need to be implemented in the event of pollution incidents within the development site. The development thereafter shall be carried out in accordance with the approved surface water drainage system maintenance plan.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

16. Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall include detail of how the potential impact of dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. Thereafter the development shall be carried out in accordance with the approved Construction Environmental Management Plan

#### SURFACE WATER MANAGEMENT

17. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning a scheme to manage surface water on site during the construction of the development. The development thereafter shall be carried out in accordance with the approved details.

#### INFILTRATION TESTING

18. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority details of infiltration testing results (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.

#### CONSTRUCTION TRAFFIC MANAGEMENT PLAN

19. Prior to the commencement of the development hereby approved there shall first be submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

#### ARB METHOD STATEMENT – MAIN SITE

20. No development shall take place until an Arboricultural Method Statement for the site as a whole taking into account the Trevor Bridge Associates Arboricultural Impact Assessment Rev A dated December 2023, and including details of the position, species, size and condition of each existing tree and hedgerow on and adjacent to the site, and identifying those trees and hedgerows to be retained, has first been submitted to and approved in writing by the local planning authority. This shall include full details of measures for the protection of trees and hedgerows to be retained during the course of development. The veteran ash (T5, T7, T8 and T42) trees, which meet Local Wildlife Site criteria, and the veteran oak (T39) must be retained and protected during the course of the

development. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed, or die, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved Arboricultural Method Statement.

#### GROUND LEVELS & FINISHED FLOOR LEVELS

21. The detail to be submitted in accordance with condition 1, to be approved in writing by the local Planning Authority shall include existing and proposed ground levels and, where relevant, proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

#### NOISE MITIGATION

22. The details to be submitted in accordance with condition 1, to be approved in writing by the Local Planning Authority shall include a scheme of noise mitigation for internal protecting the proposed dwellings that are located within that part of the site identified in the Noise Impact Assessment by Spectrum Acoustic consultants dated 18 December 2023 as requiring protection, from noise from commercial operations and road traffic. The development shall thereafter be carried out in accordance with the approved details.

#### RESTRICTION ON GATES

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected on private driveways within a distance of 5 metres of the highway boundary.

#### HOURS OF WORK

24. Site preparation and construction shall be limited to the following days and times;  
Monday – Friday 07:30 – 18:00  
Saturday 08:00 – 13:00  
No working on Sundays and Public and Bank Holidays

#### HOUSING MIX

25. The reserved matters application submitted for approval by the LPA shall include details of the proposed housing mix for the development which shall be in general accordance with the Illustrative Master Plan drawing reference HAR102-4001G and the mix set out in the Ryan & May Planning Statement dated 18 December 2033.

#### SCHEME OF HARD & SOFT LANDSCAPING

26. The details to be submitted in accordance with condition 1 shall include a scheme of hard and soft landscaping works in general accordance with the Illustrative Landscape Masterplan drawing reference P20-3536-EN0009 C 0001, including

boundary treatments and street furniture, for the site. An implementation scheme shall also be submitted for approval by the LPA . The development shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

#### LANDSCAPE MANAGEMENT

27. The details to be submitted in accordance with condition 1 shall include a landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens. The landscape management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as per the approved details.

#### OFF-SITE WORKS (TRAFFIC CALMING)

28. No part of the development shall be occupied until such time as the offsite works (traffic calming measures) shown on Stantec drawing number 332610546/5501/001 PO3 (or an appropriate amended scheme, following public consultation/ detailed design) have been implemented in full.

#### ACCESS IMPLEMENTATION

29. No part of the development hereby permitted shall be occupied until such time as the access arrangements, visibility splays and 2.0m wide footway to tie in to existing footway provisions on The Common shown on Stantec drawing number 332610546/5501/001 PO3 have been implemented in full.

#### TRAVEL PLAN

30. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets and is in general accord with the Stantec Draft Travel Plan REV B dated 13 December 2023 has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

#### SUSTAINABILITY COMMITMENTS

31. The reserved matters application submitted for approval by the LPA shall include details of the proposed Sustainability Commitments that shall be in general accordance with the Energy Statement by Mainer dated 18 December 2023.

End