



## Appeal Decision

Hearing Held on 29 June 2021

Site visit made on 1 July 2021

**by David Wallis BSc (HONS) PG DipEP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> July 2021.

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**Appeal Ref: APP/E2205/W/20/3252031**

**Oakengates, Smallhythe Road, Tenterden TN30 7LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Churchill Retirement Living Limited against Ashford Borough Council.
  - The application Ref 19/01669/AS, is dated 28 November 2019.
  - The development proposed is Redevelopment to form 54 No. Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for Redevelopment to form 53 No. Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping at Oakengates, Smallhythe Road, Tenterden TN30 7LN in accordance with the terms of the application, Ref 19/01669/AS, dated 28 November 2019, and the plans submitted with it, subject to the unilateral undertaking dated 12 July 2021 and the conditions in the attached schedule.

### Preliminary Matters

2. The description of development had been amended to '53' apartments during the course of the application, with plans produced to detail this change. Whilst the Council did not issue a decision in the statutory time period, had it been in a position to do so it would have been on the basis of these amended plans and therefore I have proceeded on the same basis.
3. A draft Unilateral Undertaking was discussed at the Hearing, with a final signed copy supplied on 12 July 2021 in accordance with my timetable. I shall return to this later in my decision.
4. No completed statement of common ground was submitted, although it was explained in the Hearing that the matters between the parties had been narrowed following the resolution to grant a similar planning application reference 21/000442/AS. I have been provided with details and plans of that scheme but have determined the appeal before me on its own merits.

## **Main Issues**

5. The main issues for the appeal are:
- the effect of the proposed development on the character and appearance of the area;
  - whether or not the proposal would preserve and enhance the character of the Tenterden Conservation Area, and the High Weald Area of Outstanding Natural Beauty (AONB); and
  - whether or not suitable provision has been made towards affordable housing and social infrastructure.

## **Reasons**

### *Character and appearance of the area*

6. Smallhythe Road broadly forms the southwest boundary of the village of Tenterden, extending from the High Street in the north to the open countryside in the southeast. The eastern side of Smallhythe Road is the more developed, with terraced dwellings on smaller plots closer to the High Street and detached properties of wider plot size towards the edge of the settlement. However, a large care home with a car-dominated frontage and the Three Fields residential estate provide modern interventions that go against this traditional grain of built form. Whilst there is some looser and sporadic development on the western side of Smallhythe Road, the land is predominantly open as it falls within the AONB.
7. The appeal site consists of a small number of dwellings set within a variety of plot sizes. The dwellings, with the exception of Smallhythe House, have modest front gardens containing high frontage hedgerows that separate them from the public highway of Smallhythe Road. The appeal site, alongside other private residences, sits in between the aforementioned care home and the Three Fields development.
8. The appeal development would introduce a two-storey building onto the appeal site, designed to appear as a terrace of dwellings. It would sit a similar distance back from the public highway as the existing dwellings, enabling most of the frontage hedgerows and garden spaces to remain.
9. From my site visit, I noted that the prominence of the Three Fields housing development provided a clear demarcation of a suburban environment, disrupting any perception of a lower density transition between the urban and rural parts of Tenterden. That scheme has a terrace of three dwellings with very little garden immediately abutting the public footpath, whereas the appeal development would sit well behind the existing hedgerows that contribute to the green corridor appearance on this stretch of Smallhythe Road. The appeal proposal would enhance this greenery with only one point of access serving the development as opposed to the four separate driveways at present.
10. The proposal would introduce a long continuous façade fronting onto Smallhythe Road. However, the myriad of roof pitches, materials and articulated surfaces would achieve a sufficient break-up of this façade to appear of a residential character and scale akin to a terrace. This would be

different to, though not out of keeping with, the prevailing character of development in the area.

11. There is no dispute between the parties that the land opposite the appeal site within the AONB is rural in character and appearance. This is, however, completely different to the context of the appeal site which nestles in between features of a clearly built-up environment. From a townscape perspective, I conclude that the appeal development would not adversely affect the character or appearance of the locality. The proposal therefore accords with policies SP1, SP6 and HOU3a of the Ashford Borough Council Local Plan adopted February 2019 (the Local Plan), which together seek to promote high quality design.

#### *Effect upon the AONB*

12. Paragraph 172 of the National Planning Policy Framework 2019 (the Framework) places great weight on to conserving and enhancing landscape and scenic beauty in AONB. The appeal site falls outside of the High Weald AONB and is therefore not on land protected by this designated asset. The Council acknowledged this in the Hearing, stating the appeal development would harm the setting of the AONB only.
13. Both in my pre-Hearing note and during the Hearing, I requested the parties prepare a walking route for my appeal site visit, including any routes within the AONB where viewpoints to the appeal site could be obtained. Apart from a large vehicular entrance to the residence of Heronden broadly opposite the appeal site, neither of the main parties identified any public viewpoint nor footpath from or within the AONB.
14. Therefore, the appeal site could and would only be seen in the context of the AONB within its position on the developed side of Smallhythe Road, sitting in between built-up uses of comparable scale. At two storeys in height and set back behind landscaped grounds including the retained boundary hedgerow, the proposed building would not be any more imposing on the AONB than any of the existing and recently constructed development.
15. The landscape features on the frontage of the appeal site would be retained and would soften the appearance of the proposed development when seen in context with the edge of the AONB along Smallhythe Road. The visual separation, combined with the development appearing as a terrace of dwellings as advocated in the adopted AONB management plan, would strictly limit the potential for harm to the AONB.
16. For these reasons I conclude that the appeal proposal would not cause adverse impacts to the landscape, the scenic beauty or the setting of the AONB. The proposal would comply with the terms of policies ENV3a and ENV3b of the Local Plan, which require regard to the conserving and enhancing the special qualities of the AONB.

#### *Effect on the Conservation Area*

17. Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires a decision-maker to have special regard to the desirability of preserving a listed building or its setting. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the level of harm to

its significance. In this case, it applies to both setting of listed buildings and the setting of a conservation area.

18. The eastern part of the AONB falls within the Tenterden Conservation Area, covering a proportion of the parkland estate for Heronden Hall, a Grade II listed building. The Conservation Area includes a number of other listed buildings, with the closest to the appeal site being Heronden and The Cedars, both within the AONB.
19. I noted that the parkland estate covered by the Conservation Area designation exists in conjunction with the listed buildings, and forms part of the wider grounds to these assets. However, in the Hearing, the main parties agreed that the appeal development would not affect the setting of any listed building and that it was purely views into and out of the Conservation Area that were implicated by the development. I have nothing before me to contradict the position of the parties on this matter.
20. The Council suggested that less than substantial harm would be caused to the setting of the Conservation Area, for which the public benefits would not outweigh. The appellant's witness claimed no harm at all.
21. Unlike the northern part of the Conservation Area, where the historic character is comprised of built form and urban development, the part opposite the appeal site consists of landscaped grounds and parkland. The substantial belt of trees along Smallhythe Road on the edge of the designation prevent any views into and out of the land behind it. None of these trees would be affected by the proposal, leaving the Conservation Area's special landscaped character and features preserved.
22. The appeal development would not impose, encroach or cause incursion into any roadside views of the tree belt when travelling in either direction on Smallhythe Road because of its set back within the appeal site behind a high hedgerow. The significance of the heritage asset and its appreciation from the public realm would not therefore be adversely affected or degraded by the presence of the proposed development. My views on this are reinforced by the fact a similar scheme for 53 apartments has been granted by the Council on the appeal site with the same relationship to the heritage asset.
23. I therefore conclude that the proposed development would not cause harm to the heritage assets. Even if I had found such harm to exist it would have been less than substantial<sup>1</sup>, of marginal effect on the asset's significance and therefore outweighed by the public benefit of providing 53 apartments for specialised accommodation on previously developed land in a settlement.
24. The appeal proposal would not adversely affect the character, appearance or setting of the Conservation Area. It would therefore comply with policy ENV13 of the Local Plan, which supports proposals that preserve or enhance heritage assets.

#### *Affordable Housing and Social Infrastructure*

25. Policy COM1 of the Local Plan states that infrastructure and facilities required to meet the needs generated by new development will be provided. Other needs will be delivered in liaison with the relevant stakeholders and service providers

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<sup>1</sup> Having regard to paragraph 196 of the Framework

- to ensure that the provision is supplied in a way that meets their requirements and supports sustainability. Policy IMP1 iterates that development shall make provision to meet the additional requirements for infrastructure arising from the development, where it is justified to do so in line with the NPPF and Community Infrastructure Levy Regulations 2010 (CIL Regs). Policy IMP2 states that viability evidence resulting in deficits of contributions may be allowed, and in such an event deferred contributions through 'clawback' clauses in legal agreements will be sought to retrieve funds if the viability of a development improves. Although not referenced by the Council, policy HOU1 requires a minimum of 40% of new dwellings to be affordable units.
26. The main parties have agreed that a total financial contribution of £531,591 could be provided by the appeal proposal at this time. The signed Unilateral Undertaking (UU) contains clawback provisions for deferred contributions to the satisfaction of the Council and I consider this matter is indeed secured.
  27. The dispute between the main parties stems from requests from Kent County Council (KCC) for infrastructure contributions towards libraries, adult social care and community learning facilities, as well as a request from the National Health Service Clinical Commissioning Group (CCG) for contributions towards healthcare.
  28. In the Hearing, the Council confirmed its committee's decision that all of the money available should be directed immediately into off-site affordable housing, with contributions towards other infrastructure requested by KCC and the CCG to come as a deferred contribution if there is any uplift in viability. The appellant raised question as to whether those additional aspects of social infrastructure were truly necessary to make the development acceptable, if funding towards them would be solely dependent on market conditions that may not improve. Consequently, the appellant's UU was drafted so as to provide the social infrastructure contributions upfront, as a deduction and proportion of the £531,591.
  29. In response to my questions in the Hearing, the Council's witness acknowledged there was no development plan policy basis or supplementary planning document guidance that underpinned or supported the approach of the committee. Taking the Council's approach, if there would not be any future uplift in viability, the infrastructure needs generated by the development would not be met, resulting in an unmitigated deficit and extra burden for existing services. This would make the appeal development unacceptable in light of the commitments in policies COM1 and IMP1 of the Local Plan. I therefore consider the Council's position requiring all money to be dedicated to affordable housing at the onset to be flawed.
  30. Notwithstanding any views I make on the appropriateness of other social infrastructure contributions, I find it appropriate for any social infrastructure costs to be provided upfront and not deferred to ensure the impacts of the development are appropriately mitigated in a timely manner. The UU contains a provision allowing for any deferred contributions, up to a capped amount of £700,312, to be paid towards affordable housing should viability improve. I have no reason to contradict or otherwise amend this position that was said to be acceptable to both parties in the Hearing.

31. In terms of the social infrastructure contributions, KCC were not represented at the Hearing but made written submissions in support of the funding requests and were supported by the Council in its pursuit of the same.
32. The appellant considers only the library fee to pass the tests for imposing obligations under Regulation 122 of the CIL Regs. I acknowledge that the increase in residents from the appeal development would place extra demand on resources at the Tenterden library, and it would therefore be necessary to mitigate this impact. I have no reason to disagree with any party regarding the applicability of this contribution.
33. The request for funds towards specialist care accommodation does not seem reasonable when the appeal proposal itself is specialist housing development designed to reduce the pressures on the care system. The community learning contribution would be towards adult education services, although KCC's statement suggests this is calculated using a set formula of 0.035 users per dwelling. I have no information as to whether this calculation recognises the demographic that would be accommodated by the proposed development, which may result in a reduced participation in adult learning opportunities. Whether the contribution is therefore proportionate in scale and kind is doubtful and cannot therefore be considered to pass the test of reasonableness.
34. I therefore conclude that, except for the contributions towards the local library, the other obligations requested by KCC are not substantiated in evidence to demonstrate compliance with the CIL Regs. It is appropriate therefore, in exercising the so-called 'blue pencil' clause in the provided UU, that contributions to these infrastructures are struck out.
35. The CCG have requested contributions towards primary healthcare services based upon a calculation using an average property occupancy rate, which the appellant disputes as it does not reflect the demographic likely to use the appeal development. The appellant has used a lower occupation rate based on experience of comparable developments, generating a lower contribution towards healthcare.
36. Nonetheless, the appellant maintains that this is not a necessary contribution since the proposed development would result in wider savings for the CCG<sup>2</sup>. However, I note the appellant relies upon the definition in the NPPG<sup>3</sup> to define the proposed development as 'retirement living'. Whilst the purpose of the facility would be to help residents live longer in their own housing as opposed to being in social care facilities, the retirement living model proposal would not be one with an element of on-site medical care built in.
37. Prospective residents would therefore rely upon existing local services for such healthcare attention. I acknowledge that residents from the local population would form a proportion of prospective occupants for the proposed development, but the facility would still serve as a draw for persons outside of the immediate area. This would result in some increased pressure on the existing infrastructure, that I find requires mitigation to avoid an overburdened service.

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<sup>2</sup> Based upon the Homes for Later Living Report 2019

<sup>3</sup> NPPG Paragraph 010 Ref ID: 63-010-20190626

38. Although the Council provided its own calculated figure for the CCG contribution, no compelling evidence was submitted to demonstrate that the appellant's assumptions on occupancy rates were inaccurate. I therefore consider that the contribution written into the UU by the appellant would pass the criteria of the CIL Regs and would be an appropriate amount to mitigate the impacts of the appeal development. Whilst I note objectors concerns that if local people move into the facility then the vacated homes would be occupied by new families increasing the demand on healthcare, this would be an indirect impact that could not be reasonably predicted or related to the appeal development.
39. In conclusion, only the library and healthcare contributions are directly required in order to mitigate the impact of the proposed development. The UU as submitted contains two schedules, with the first securing the library contribution only and the second containing all possible social infrastructure contributions, both alongside the affordable housing contribution. Since I consider other contributions are payable, schedule 1 of the UU is hereby struck out. Schedule 2 of the UU is invoked and would be subsequently amended to remove the requirement to pay the specialist care accommodation and adult learning contributions as these would fail to meet the CIL Regs tests. These monies would come, as the UU states, as an initial payment rather than a deferred contribution.
40. Subject to these amendments, the UU would accord with Regulation 122 of the CIL Regs and the development would therefore provide the necessary level of affordable housing and social infrastructure. I have no further concerns on the content or construct of the UU, which also reflects the final stance of the Council reached during the Hearing. The proposal would therefore comply with policies COM1, IMP1 and IMP2 of the Local Plan, that together seek to ensure delivery and support for community services.

### **Other Matters**

#### *Living conditions of nearby occupiers*

41. At the Hearing, I was requested that my unaccompanied site visit take in the grounds of the private residence of 'Langley' directly abutting the southeast boundary of the appeal site. The owner raised issues of overlooking and loss of outlook directly affecting the enjoyment of his property, matters that the Council had not raised as being a concern. The main parties agreed during the Hearing that I could proceed with this element of the visit and that I could enter onto land belonging to at Langley.
42. The proposed building would be to a depth equivalent to almost the full depth of the garden area for Langley, albeit a large proportion of that building would be over 18 metres away from the shared boundary. The flank elevation of the closest part of the building to Langley would have limited windows, although the remainder of the building is orientated so that numerous first floor windows face towards the garden area for that property.
43. Whilst the orientation and separation distances between the development and the shared boundary would prevent any direct loss of privacy to habitable rooms within Langley, there would be a perception of being overlooked particularly from the garden area. Opportunities for landscaping including the retention of existing trees within the site do however exist, and I see no reason

why a suitable landscaping scheme could not come forward to curtail the degree to which overlooking is perceived.

44. In terms of outlook, I noted from my site visit a number of windows in the northwest facing elevation of Langley in close proximity to the existing shared boundary. Two of these windows were obscure-glazed whilst the third was clear-pane and served a habitable room. At its closest point, whilst no closer to Langley than the existing dwelling on the appeal site known as Micken Lodge, the proposed two-storey building would be within the views from the neighbour's window. However, I consider that the proposed building would not be so proximate as to significantly obstruct the outlook of Langley.
45. Whilst I acknowledge the proposal as a whole would result in a major change in the locality, the scale of this change in proximity to Langley would not be so significant as to cause adverse impacts on the living conditions of the neighbouring occupier. I therefore find no reason to disagree with the Council Officer's report that finds the relationship acceptable in this regard.

#### *Other planning matters*

46. Concerns have been raised regarding highway safety, parking provision, loss of biodiversity, pollution and drainage. In all cases the Council have not raised objection, with the appellant pointing to the assessments submitted with the application, as well as recommendations of conditional approval from statutory consultees. Other than the expressed concerns from the local objectors, I have no evidence before me to suggest that the scheme would cause any adverse impacts with regard to any of these planning matters. I therefore consider these points neutral in the planning balance.

#### *The planning balance*

47. It is common ground between the parties that the Council cannot demonstrate a five-year housing land supply and the appeal falls to be determined under paragraph 11 of the Framework. I am directed to paragraph 11(d)(ii), since I have found no harm to the AONB nor to designated heritage assets, so the policies of the Framework do not provide a clear reason for refusal.
48. The appeal development has economic and social benefits in delivering housing supply, particularly for the stock of a specified housing type, as well as making a sizeable contribution towards affordable housing. The development would make efficient and effective use of brownfield land in an accessible location, supporting a prosperous community and rural economy. I have also found that the appeal development in itself would comply with policies of the development plan.
49. I am aware that a proposal of a slightly different design has been found compliant with the development plan by the Council and a resolution to grant has been passed. This reinforces my view that the appeal scheme would not cause harm to the locality.
50. I have found the proposal to be compliant with the development plan. Notwithstanding, on this basis the benefits of the development, including compliance with the relevant development plan policies, would clearly outweigh any adverse impacts. The appeal should succeed accordingly.



## Conditions

51. The Hearing discussed the list of conditions provided in the Council's appeal statement supplemented by reference to conditions contained in the granted planning application 21/000442/AS. Where pre-commencement conditions are listed, the appellant has provided consent for their imposition.
52. I have imposed conditions 1 and 2 for certainty as to the details of the development hereby permitted. Conditions 3, 4 and 5 are applied to secure appropriate finishes and details having regard to the sensitivities of the location. In imposing condition 5, I have no reason to remove permitted development rights for further means of enclosure.
53. Condition 6 is necessary in the interests of highway safety and living conditions of nearby residents. With respect to highways, I have not imposed the Council's suggested condition with regards securing funds to repair any damage to the highway, as I consider the approach seeking monies via a condition in the manner drafted to be ultra vires and un-substantiated.
54. Condition 7 is reasonable to secure appropriate parking and access to serve the development, with condition 8 ensuring such arrangements, along with development across the whole site, are suitably drained in the interests of highway safety and pollution control. I have not, however, imposed a condition regarding remediation of contaminated land as no evidence has been provided to demonstrate that the existing residential use carries such a threat other than its own domestic effluent treatment.
55. Condition 9 is relevant to the development as it would secure landscaping appropriate to the site and the surroundings. I have not considered it necessary for the landscaping scheme to detail the minutiae of on-site provisions as suggested in the Council's proposed condition 19.
56. Conditions 10 to 14 inclusive are imposed to ensure the protection of habitats and biodiversity across the appeal site in accordance with policy ENV1 of the Local Plan, with conditions 13 and 14 'borrowed' from application 21/000442/AS. I consider condition 15 to be necessary in light of the Council's concerns regarding the potential for archaeology in the settlement as a whole.
57. The Council has proposed conditions regarding water efficiency, connection of premises to high speed fibre optic telecommunications infrastructure and for electric car charging points. I consider the water efficiency condition to unnecessarily duplicate the building regulations legislation, but I do consider it necessary in light of societal changes during the Covid-19 pandemic and the future drive towards 'Net Zero'<sup>4</sup> to impose the other suggested conditions. Residents requested a condition requiring solar panels, although this would potentially give rise to visual effects that would require further assessment and as such, I do not consider it reasonable to impose.
58. Following discussions in the Hearing, notwithstanding the description of development, it was agreed between the parties that a condition limiting entry requirements to the facility was imposed, and this forms condition 18 in the attached schedule. The main parties also agreed that first floor balconies in proximity to Langley should be fitted with privacy screens and I concur a condition is reasonable in this instance.

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<sup>4</sup> The Climate Change Act 2008 (2050 Target Amendment) Order 2019

**Conclusion**

59. I have taken into account all the written and oral evidence provided to me and conclude that, subject to the conditions listed and the UU executed in the amended form I have set out above, the development would be acceptable and the appeal should be allowed.

*David Wallis*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Anjoli Foster	of Landmark Chambers
Matthew Shellum	of Planning Issues Limited
Ben Smith	of Planning Issues Limited
Paul White	of ECUS Limited

FOR THE LOCAL PLANNING AUTHORITY:

Lesley Westphal	for Ashford Borough Council
Carissa Humphreys	Solicitor for Ashford Borough Council

INTERESTED PERSONS:

Councillor John Crawford	of Tenterden Parish Council
Mr D A Walker	Resident

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20077TN P01, 20077TN P02A, 20077TN P03A, 20077TN P04, 20077TN P05, 20077TN P06A, 20077TN P07A, 20077TN P08, 20077TN RF09A and 20077TN RF21.
- 3) Prior to any works above slab level, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Prior to the occupation of any dwelling, details of external lighting shall be submitted to the Local Planning Authority and agreed in writing. The lighting details shall follow the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation trust and Institution of Lighting Professionals. The approved lighting shall be installed prior to occupation of the respective dwellings and retained as such thereafter.
- 5) Prior to any works above slab level, details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected prior to the first occupation of any dwelling in accordance with the approved details and retained as such thereafter.
- 6) Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Prior to the first occupation of the development hereby permitted:

- i) the vehicle parking spaces, as shown on plan '20077TN P02' shall be provided and be permanently retained for their intended purposes thereafter;
  - ii) details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority, with the approved details being implemented prior to occupation of any dwelling and retained as such thereafter; and
  - iii) the highway alterations shown on drawing SWTP-P1039-DR-001 P04 shall be delivered including a bound surface for the first 5 metres of the access from the edge of the public highway.
- 8) Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Statement (Civil Engineering Partnership, November 2019) 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 discharged from the site at a rate of 2l/s without increase to flood risk on or off-site. The scheme shall also demonstrate that:
- i) silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
  - ii) the appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker;
  - iii) appropriate measures to prevent the discharge of surface water onto the highway are incorporated into the construction of the access; and
  - iv) any variation to the approved drainage system is acceptable following a Verification Report.

The approved sustainable surface water drainage scheme shall be implemented in accordance with the approved details and retained as such thereafter.

- 9) Prior to the commencement of development, a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- i) finished site levels and contours;
  - ii) hard surfacing materials;
  - iii) location for, and any screening of, refuse storage;
  - iv) proposed trees and shrubs including species, specification, size, spacing and season for planting;
  - v) details of all trees to be protected on site including the means of ensuring protection having regard to BS5837:2012, the Tree Protection Plan and Arboricultural Method Statement;
  - vi) measures to protect the root protection areas of trees from compaction or other interference;

- vii) commitments to replace any tree or shrub that is cut down, uprooted, destroyed or dies within five years from the date of the completion of development, with such size and species, as may be specified in writing by the local planning authority.

The approved landscaping scheme shall be implemented in accordance with the approved details and retained as such thereafter.

- 10) Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, examination shall first be carried out by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.
- 11) Prior to any works above slab level, a simple site wide management plan must be submitted detailing how the habitats on site are going to be managed. Areas of the site must be managed to benefit biodiversity and retain connectivity to the surrounding area.
- 12) Prior to the commencement of development, a detailed bat mitigation strategy must be submitted to the LPA for written approval. It must include the following:
  - i) Updated bat emergence surveys;
  - ii) Overview of mitigation proposed (including integrated features);
  - iii) Detailed methodology to be implemented;
  - iv) Timings of proposed works;
  - v) Map showing working area and replacement habitats; and
  - vi) Details of lighting recommendations.

The approved bat mitigation strategy shall be implemented in accordance with the approved details and retained as such thereafter.

- 13) Prior to the commencement of development, details of the proposed translocation receptor site must be submitted to the Local Planning Authority for written approval. The report must include the following:
  - i) Location of the proposed receptor site;
  - ii) Phase 1 map of the site;
  - iii) Assessment of suitability to be used as a receptor site;
  - iv) Details of any enhancements required;
  - v) Details of any ongoing management requirements; and
  - vi) Confirmation that the landowner is happy to implement the management.
- 14) Prior to the commencement of development (including vegetation clearance), the precautionary mitigation detailed within the Receptor Site Identification Report (WYG; March 2020) must be implemented. The works must be carried out between March and October within suitable weather conditions and temperatures do not drop consistently under 5 degrees centigrade at night.
- 15) Prior to commencement of development, a Written Scheme of Investigation shall be submitted to and approved in writing by the local

- planning authority. The scheme shall include an assessment of significance and research questions - and:
- i) the programme and methodology of site investigation and recording;
  - ii) the programme for post investigation assessment;
  - iii) the provision to be made for analysis of the site investigation and recording;
  - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - v) the provision to be made for archive deposition of the analysis and records of the site investigation; and
  - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 16) Prior to the commencement of development (excluding site clearance and demolition), details shall be submitted to and be approved in writing by the Local Planning Authority for the installation of fixed telecommunications infrastructure and High Speed Fibre Optic (minimum internal speed of 1000mb) connections to multi point destinations and all buildings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, being capable of connection to commercial broadband providers and maintained in accordance with the approved details thereafter
- 17) Prior to the first occupation of development details of where designated parking spaces or carports can be provided with electric vehicle charging point shall be submitted to and agreed in writing with the Local Planning Authority. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The scheme shall be carried out in accordance with the approved details. The charging point shall thereafter be retained available, in a working order, for the charging of electric vehicles unless otherwise agreed in writing with the Local Planning Authority. No dwelling shall be occupied until facilities for electric vehicle charging for that dwelling have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be maintained and operated in accordance with the approved details thereafter.
- 18) Each dwelling hereby permitted shall be occupied only by:
- (i) A person aged 60 years or over;
  - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
  - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.
- 19) Prior to the commencement of development, details of privacy screens for first floor balconies shall be submitted to and approved in writing by the local planning authority. The details shall be implemented prior to the occupation of any first-floor dwelling and shall be retained as such thereafter.