

APP/E2205/W/24/3345454 - Land North of Possingham Farmhouse – Draft Conditions

Should the Inspector decide to allow the appeal, the Local Planning Authority recommend that the following conditions be imposed. The Appellant agrees other than where highlighted. The text included or deleted as track changes is proposed by the appellant but is not agreed by the Borough and/or County Councils.

Time Conditions

Standard Outline Conditions

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission and the last application for approval of Reserved Matters shall be made not later than 5 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans / Documents

3. The development shall be carried out in accordance with the following plans and documents approved by this decision.

- XXX

REASON: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Reserved Matters

Phasing Plan and Masterplan

4. Prior to the submission of any application for approval of reserved matters pursuant to condition 1 the following shall be submitted to and approved in writing by the Local Planning Authority:

Commented [FT1]: List of approved plans and document to be included here.

- i. a phasing plan identifying the phases of development and their sequence of implementation;
- ii. a detailed masterplan for the whole site identifying the location of residential land parcels, access and highways, pedestrian and cycle routes; informal natural green space; play space; SuDS and ecological mitigation areas.

The development shall be carried out in accordance with the approved phasing plan and masterplan with each phase being severable and separately implementable.

REASON: In the interests of the proper planning of the development.

Reserved Matters Submissions

5. The plans and particulars pursuant to condition 1 shall include the following:
 - i. An Arboricultural Impact Assessment and Tree Protection Plan, including a schedule of arboricultural site monitoring for the duration of the development until completion;
 - ii. Details of existing and proposed levels and earth works for the site, including details of grading and mounding of land, showing the relationship with retained vegetation and surrounding landform;
 - iii. A Public Right of Way (PROW) Management Scheme, to include details of the proposed alignment, enhancement and upgrading of existing and proposed new PROWs within and adjacent to the site, including details of upgrade works to enable access for cyclists and horse riders; details of PROW management before and during construction, if any temporary closures or diversions are required; and a timetable for delivery of the enhancements and improvements agreed;
 - iv. A Play Space Strategy for the site, providing details of the provision of all play space on the site, including details of incidental and doorstep play;
 - v. Layout plans and sections to demonstrate the provision of level thresholds to all principal entrances to all dwellings and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided, linking the principal entrance of the dwelling/building to that which forms the public realm.
 - vi. A Climate Change Mitigation strategy to demonstrate that the development would be resilient to, and help mitigate against the effects of climate change addressing the requirements of the Council's Climate Change Guidance for Development Management, 2022.

It is the Appellants position that this is not required due to Building Regulations requirements. Conditions regarding reducing water usage and rainwater harvesting are however considered appropriate as below.

The plans and particulars pursuant to condition 1 shall also demonstrate the following:

- vii. 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.
- viii. that an effective outfall for surface water can be provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

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

REASON: In the interests of preventing damage to trees and their roots; to preserve the visual amenity of the area and the amenity of neighbouring residents; to ensure the existing PROW network is not obstructed and to ensure adequate PROW provision for pedestrians, cyclists and horse riders; to ensure sufficient play provision is provided; to ensure that all dwellings are accessible and are able to accommodate varying mobility needs; to ensure the development is resilient to, and helps mitigate against, the effects of climate change and to ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts in accordance with policies SP1, SP6, TRA5, TRA6, ENV1, ENV5, ENV6, ENV7, ENV8, ENV9, ENV12 & COM2 of the Ashford Local Plan 2030.

Highways

Construction and Transport Management Plan

6. No development, including any preparation works prior to building operations, within any phase shall take place until a Construction and Transport Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
 - i. A site plan identifying location of site entrance and exit; areas on site for parking and turning for site personnel; areas on site for parking loading and unloading of plant and materials, and provision of on-site for turning for delivery and construction vehicles including HGV's;
 - ii. Details of areas for the storage of plant and materials, including stock piles;
 - iii. Details of the form and location of any proposed temporary works compounds/welfare facilities;
 - iv. Details of measures to prevent discharge of surface water onto the public highway;
 - v. Details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and details of measures to ensure that the local highway hinterland of the site is regularly monitored and cleared of any mud or similar substances, including location of water supplies;
 - vi. A programme of works (including details of the timing of deliveries, measures for traffic management/signage);
 - vii. Details of any temporary fencing/hoardings to be provided;
 - viii. Details of the routing of construction and delivery vehicles to / from site.
 - ix. Details of hours of construction
 - x. Dust Management Plan and Risk Assessment, including proposals for monitoring dust / particulates and procedures to be put in place for preventing or controlling unacceptable releases, including dust suppression methods to be used; a bonfire policy; confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation; details of liaison with other construction sites within 200m of the site boundary to ensure plans are co-ordinated and dust and particulate matter emissions are minimised.

The approved Construction and Transport Management Plan shall be adhered to throughout the duration of the construction period.

REASON: To prevent obstruction of the highway, to protect the residential amenity of the occupiers of neighbouring properties, to protect areas of nature conservation interest and prevent adverse impact on air quality in accordance with policies SP1, TRA5, TRA7, ENV1 and ENV12 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON Any works on site could harm the amenity of neighbouring occupiers, areas of nature conservation and air quality and cause obstruction to the highway if not properly managed and, at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting.

Site Accesses

7. Prior to the occupation of any dwelling hereby permitted the site access junctions with The Avenue Phase 2 (primary access) and Ashford Road A28 (secondary access) and associated visibility splays as shown on drawing numbers VD21426-D100 Revision D (primary access) and VD21426-D101 Revision B (secondary access) shall be implemented and opened to vehicular traffic.

REASON: in the interests of highway and pedestrian safety in accordance with policies SP1, TRA5 and TRA6 of the Ashford Local Plan 2030.

Chilmington Green Facilities

8. Prior to the occupation of any dwelling hereby permitted the following off-site facilities shall be completed and open to the public:

- i. Chilmington Green district centre facilities ~~(including the district centre foodstore) comprising a supermarket with not less than 3100m² floorspace, other retail units with a total floorspace of not less than 4595m² (with at least 5 units to have less than 150m² floorspace at ground floor level), an office building with 2610m² floorspace and connected by underground ducts to fibre broadband, a public house and a day nursery)~~ proposed on Chilmington Green land parcels CH1 and CH2.
- ii. Chilmington Green secondary school proposed on Chilmington Green land parcel E5.

REASON: to ensure the development is served by adequate day to day services and facilities in accordance with policies SP1 and HOU5 of the Ashford Local Plan 2030.

Chilmington Green Highway Infrastructure

9. Prior to the occupation of any dwelling hereby permitted the following off-site highway infrastructure shall be completed to an adoptable standard and open to motor vehicles, pedestrians and cyclists:
 - i. The Chilmington Green Access C roundabout permitted under planning permission 12/00400/AS;
 - ii. Chilmington Green Avenue (Phase 2) from Chilmington Green Road to the Chilmington Green Access C roundabout permitted under planning permission 21/00840/AS (as amended);
 - iii. The Chilmington Green Avenue (Phase 1) from Chilmington Green Access A roundabout to Chilmington Green Road permitted under planning permission 17/00665/AS;
 - iv. The Chilmington Green Active Travel Route permitted under planning permission 21/00839/AS;
 - v. Footway and cycle links from Chilmington Green parcel B, C, J and K and Singleton proposed under planning application 17/01170/AS.

Commented [AD2]: Only the supermarket needs to be open (but the RM application submitted is less than 3,100m²), not all the facilities proposed in land parcels Ch2 and CH2. As per Mr Dix's evidence, all the facilities on CH1 and CH2 are not required to make Possingham sustainable.

v.vi. A pedestrian crossing at Chilmington Green Road within 20 metres of the Mock Lane junction to facilitate the crossing of the road by pedestrians and cyclists.

Except that for the works described in ii and iii where the carriageway need only be completed to binder course and footways and cycleways completed to wearing course level.

REASON: to ensure the development has adequate connections to the Chilmington Green development and wider community in accordance with policies SP1, HOU5, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.

The A28

10. Prior to the occupation of any dwelling hereby permitted the A28 dualling scheme as shown on drawing 4300588/000/01 Rev 0 shall be delivered and open for use by the public.

REASON: to ensure sufficient highway capacity is available to serve the development to ensure the development would not have a severe impact on the highway network or highway safety in accordance with policies SP1, HOU5 and TRA7 of the Ashford Local Plan 2030.

The Appellant does not agree this condition. The S106 will deal with the interim highway improvements and other matters.

Traffic Regulation Order

11. Prior to the occupation of any dwelling hereby permitted details of the Traffic Regulation Order (TRO) for a reduction in the speed limit from 60mph to 30mph on Mock Lane shall be submitted to and approved in writing by the Local Planning Authority. The TRO shall thereafter be implemented in accordance with the approved details prior the occupation of any dwelling hereby permitted.

REASON: in the interests of highway and pedestrian safety in accordance with policies SP1, TRA5 and TRA6 of the Ashford Local Plan 2030.

Travel Plan

12. Prior to the occupation of any dwelling hereby permitted, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:
- i. setting of objectives and targets;
 - ii. measures to promote and facilitate public transport use, walking and cycling;
 - iii. measures to reduce car usage;
 - iv. measures to reduce air pollution;
 - v. promotion of practices/facilities that reduce the need for travel;
 - vi. monitoring and review mechanisms;
 - vii. Travel Plan co-ordinators and associated support;
 - viii. Provision of travel information and marketing together with a timetable for the implementation of each element.

The agreed Travel Plan measures shall be implemented in accordance with the details approved within three months of first occupation of the development hereby permitted and thereafter maintained.

REASON: In order to promote sustainable travel and to realise a sustainable pattern of development in accordance with policies SP1, HOU5 and TRA8 of the Ashford Local Plan 2030.

Completion of works between a dwelling and the adopted highway

13. Prior to the occupation of each dwelling hereby permitted, the following works shall be completed between that dwelling and the adoptable highway:
- i. Footways and/or footpaths, with the exception of the wearing course;
 - ii. 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).

REASON: in the interests of highway and pedestrian safety in accordance with policies SP1 and TRA5 of the Ashford Local Plan 2030.

Trees, Biodiversity & Ecology

Tree Protection

14. The development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other hedges and shrubs to be retained by observing the following:
- i. All trees and hedges to be retained shall be protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
 - ii. No trenches for underground services shall be commenced within the Root Protection Areas of trees identified as being retained in the approved plans, or within 5m of hedgerows identified as being retained on the approved plans without prior written consent from the Local Planning Authority.
 - iii. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - iv. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - v. No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - vi. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - vii. If any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is

to be agreed with the Local Planning Authority and shall be planted at such time as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and documents.

REASON: In the interests of preventing damage to tree roots and preserving the character and visual amenity of the area in accordance with policies SP1, HOU5 and ENV5 of the Ashford Local Plan 2030.

Construction Ecological Management Plan

15. No development, including any preparation works prior to building operations, within any phase shall take place until a construction ecological management plan (CEMP - biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity shall be based on the recommendations in section 10 of the Corylus Ecology Ecological Impact Assessment Report (dated 24th April 2023), section 10 and Figure 4 (Impacts and Mitigation Plan) of the Corylus Ecology Addendum Ecological Impact Assessment Report dated November 2023, as well as sections 7 and 8, and the annotated landscape parameter plan/open space plan of the Addendum Ecological Impact Assessment Report (dated September 2024). It shall include the following:
- i. Purpose and objectives for the proposed works;
 - ii. Risk assessment of potentially damaging construction activities. This shall include reference to the results of updated species/habitat surveys as advised by a suitably qualified ecologist;
 - iii. The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs. This shall include a suitable buffer zone(s) (as set out by a suitably qualified ecologist) to protect the main badger sett and any other badger setts to be retained;
 - iv. Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
 - v. Detailed design(s) and/or detailed working method(s) necessary to achieve stated objectives (including the location and timing);
 - vi. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - vii. Reference to any relevant and necessary protected species licences (e.g., badgers and dormice) and any relevant mitigation measures required;
 - viii. Reference to a detailed arboricultural method statement to protect retained trees/hedgerows;
 - ix. Persons responsible for implementing and monitoring the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
 - x. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
 - xi. Details of the disposal of any wastes required to implement works.

The Development shall thereafter be carried out in accordance with the approved CEMP - biodiversity.

REASON: To ensure the protection of wildlife and supporting habitat in accordance with policies SP1, HOU5 and ENV1 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: Any works on site could harm the existing ecological value of the site if not properly managed and, at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting.

Ecological Design Strategy

16. No development, including any site clearance and below ground works, within any phase shall take place until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by, the Local Planning Authority. The EDS shall include the following:
- i. Purpose and conservation objectives for the proposed works;
 - ii. Review of site potential and constraints;
 - iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
 - iv. Full details of soft landscape works, to include species, size and location of new habitats (e.g., trees, shrubs, hedges and grassed areas to be planted) with the extent and location/area of proposed works shown on appropriate scaled maps and plans;
 - v. Full details of the proposed ecological features as per section 7 and the annotated landscape parameter plan/open space plan of the Corylus Ecology Addendum Ecological Impact Assessment Report dated September 2024) as well as section 10 of the Corylus Ecology Ecological Impact Assessment Report (dated 24th April 2023), and section 10 of the Corylus Ecology Addendum Ecological Impact Assessment Report dated November 2023. For habitat boxes this shall include numbers, make and model, locations to include height, aspect and mounting location shown on scaled landscaping plans suitable for construction;
 - vi. Full details of the extent of an appropriate buffer (as set out by a suitably qualified ecologist) for the main badger sett, and any other retained badger setts post-construction, and how it/they shall be protected from human interference over the long-term;
 - vii. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - viii. Timetable for implementation demonstrating that works are aligned with the proposed phasing development;
 - ix. Persons responsible for implementing the works; and
 - x. Details of initial aftercare.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority.

The EDS shall be implemented in accordance with the approved details and all features shall be managed as per the Landscape and Ecological Management Plan submitted and approved as part of Condition 15.

REASON: To ensure the protection of wildlife and supporting habitat and enhancement of the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, HOU5 and ENV1 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: to ensure a full understanding of the existing ecological value of the site in order to inform the mitigation required which cannot be

understood if development has commenced and, at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting

17. Landscape Ecological Management Plan

No development, including any site clearance and below ground works, within any phase shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by, the Local Planning Authority. The content of the LEMP shall be based on the recommendations in section 10 of the Corylus Ecology Ecological Impact Assessment Report (dated 24th April 2023), sections 10 and 11, and Figure 4 (Impacts and Mitigation Plan) of the Corylus Ecology Addendum Ecological Impact Assessment Report dated November 2023, the Biodiversity Net Gain Report (dated March 2023) and associated biodiversity metric calculation tool (dated March 2023) produced by Corylus Ecology, as well as sections 7 and 8 of the Addendum Ecological Impact Assessment Report dated September 2024 and the landscape parameter plan/open space plan (N, D0410_001 F dated 9th September 2024. The LEMP shall include the following:

- i. Description and evaluation of features to be managed;
- ii. Constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. An appropriate buffer (as set out by a suitably qualified ecologist) from development for the identified main badger sett and any other retained badger setts post-construction;
- v. Measures to reduce potential conflict between humans and badgers (e.g., measures to reduce the risk of badgers digging setts in residential gardens)
- vi. Reference to detailed landscaping plans (including planting schedules) for the site;
- vii. Appropriate management prescriptions for achieving aims and objectives (including sensitive management for amphibians, reptiles, bats, hazel dormice, badger, breeding birds, hedgerows);
- viii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
- ix. Details of the body or organisation(s) responsible for implementation of the plan, and;
- x. Ongoing monitoring and remedial measures.
- xi. details of 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 approved Plan shall be implemented in accordance with the approved details.

REASON: to ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, HOU5 and ENV1 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: to ensure a full understanding of the existing ecological value of the site in order to inform the mitigation required which cannot be understood if development has commenced and, at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting.

Lighting Strategy

18. Prior to the commencement of above ground works in a phase, an external lighting design plan for biodiversity for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

- i. The identification of areas/features on-site where disturbance could occur to bat and hazel dormouse roosting/nesting sites and/or foraging/commuting routes;
- ii. The provision of an appropriate plan(s) to show how and where external lighting will be installed;
- iii. The provision of technical specifications for the external lighting;
- iv. The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes, so that it can be clearly demonstrated that areas to be lit will not disturb bat/dormouse activity.

All external lighting shall be installed prior to first occupation of the relevant phase of the development in accordance with the specifications and locations set out in the approved strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: In order to achieve an appropriately lit and high quality public realm that balances the requirements for safety and security with nature conservation and reducing light pollution in accordance with policies SP1, HOU5 & ENV1 of the Ashford Local Plan 2030.

Off-site Skylark Mitigation and Compensation Strategy

19. No development, including any site clearance and below ground works, within any phase shall take place until a Skylark Mitigation and Compensation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall ensure off-site habitat is provided for the projected loss of at least six skylark territories (as identified in the Corylus Ecology Addendum Ecological Impact Assessment Report dated September 2024 (Corylus reference 21142)). The Strategy shall ensure the mitigation and compensation measures with regards to habitat improvements proposed, and the area of land required, are based on available scientific research (such as The SAFFIE Project Report by Clarke et al., June 2007; BTO Research Report No. 129 by Wilson and Browne, October 1993; and Journal für Ornithologie article on Territory density of the Skylark (*Alauda arvensis*) in relation to field vegetation in central Germany by Toepfer and Stubbe, December 2001). If the proposed compensation site already has existing skylark territories and/or is already proposed as skylark compensation for other development, evidence shall be provided to demonstrate that the measures proposed are additional to any existing territories. The Strategy shall include the following:

- i. Up-to-date breeding bird survey data for the proposed compensation site;
- ii. Purpose and conservation objectives for the proposed works;
- iii. Review of site potential and constraints;
- iv. Detailed design(s) and/or working method(s) to achieve stated objectives;
- v. Extent and location/area of proposed works on appropriate scale maps and plans;
- vi. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of
- viii. development;
- ix. Details of the body or organisation(s) responsible for implementing the Strategy;
- x. Details of initial aftercare and long-term maintenance, and;

- xi. Details for monitoring (to be undertaken by a suitably qualified ecologist(s)) and remedial measures.

The Skylark Mitigation and Compensation Strategy shall be implemented in accordance with the approved details no later than the commencement of construction or site clearance, if earlier. All features shall be retained as approved thereafter, unless remedial measures are required.

Approval for any remedial measures shall be sought from the Local Planning Authority in writing through condition 18 and thereafter implemented as approved.

REASON: to ensure the protection of wildlife and supporting habitat and enhance the character of the area in accordance with policies SP1, HOU5 and ENV1 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: to ensure a full understanding of the existing ecological value of the site in order to inform the mitigation required which cannot be understood if development has commenced and, at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting.

Monitoring of the Skylark Mitigation and Compensation Strategy

- 20. Post-completion of the habitat improvement/creation works as secured by condition 17, monitoring of the number of skylark breeding territories at the off-site compensation site shall be carried out in years 2, 5 and 10 by a suitably qualified ecologist and in line with standard professional survey guidelines. Year 1 shall be said to commence subsequent to a dated written statement from a suitably qualified ecologist to confirm that the habitat improvement/creation works have been completed and which shall be submitted to the Local Planning Authority. After each monitoring period full breeding skylark survey results shall be submitted to, and be approved in writing by, the Local Planning Authority, including details of any required remedial management. The approved remedial measures shall be implemented in accordance with the approved details.
- 21. REASON: to ensure the protection of wildlife and supporting habitat and enhance the character of the area in accordance with policies SP1, HOU5 and ENV1 of the Ashford Local Plan 2030.

Flood Risk and Surface Water Drainage

Sustainable surface water drainage scheme

- 22. No development, including below ground works, within any phase shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The detailed drainage scheme shall be based upon the Flood Risk Assessment by Vectos ref: VD21426, 2nd issue dated 09 September 2024 [and shall demonstrate that the surface water generated by the 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 without increase to flood risk on or off-site. The detailed drainage scheme shall also demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site. The drainage scheme shall also demonstrate (with reference to published guidance):

- i. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- ii. 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.

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

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with policies SP1, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Sustainable surface water drainage scheme verification report

23. Prior to occupation of any dwelling hereby permitted a verification report pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved under condition 20. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

REASON: To ensure the development, as constructed, is compliant with the details approved under Condition 20 in order to ensure the development is served by satisfactory arrangements for the disposal of foul and surface water and does not exacerbate the risk of on/off site flooding or impact on the water quality in accordance with policies SP1, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

Foul Water Sewerage Disposal

Foul water sewerage disposal strategy

24. No development, including below ground works, within any phase shall take place until a detailed foul water sewerage disposal strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of the arrangements, including an implementation plan, for the connection of all dwellings hereby approved to the off-site Wastewater Treatment Plant (WWTP) granted planning permission on appeal under reference APP/E2205/W/24/334553. The development shall be implemented in accordance with the approved details- strategy and the foul water sewerage from the development shall not be discharged at any time otherwise than in accordance with the approved strategy.

Not to Occupy or permit the Occupation of any dwelling unless and until the WWTP is operational.-

REASON: To ensure the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes in accordance with policies SP1, ENV1 & ENV8 of the Ashford Local Plan 2030 and the Conservation of Habitats and Species Regulations 2017 (as amended)

PRE-COMMENCEMENT REASON: These details are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Foul water sewerage disposal scheme verification report

24-25. Prior to occupation of any dwelling hereby permitted a verification report, pertaining to the foul water drainage system approved pursuant to condition 23, prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; and information pertinent to the installation of those items identified on the critical drainage assets drawing.

REASON: To ensure the development, as constructed, is compliant with the details approved under Condition 23 in order to ensure the development is served by satisfactory arrangements for the disposal of foul water in accordance with policies SP1, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

Archaeology

Archaeological field evaluation

25-26. No development, including site clearance and below ground works, within any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following:

- i. archaeological field evaluation works in accordance with a specification and written timetable which shall be submitted to and approved by the Local Planning Authority; and
- ii. following on from the field evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority

REASON: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains in accordance with policies ENV13 and ENV15 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: any works on site could harm existing archaeology on site and, at the time of granting permission, full details had not been provided, therefore, details of the matters set out above must be submitted and agreed in advance of works starting.

Archaeological post excavation and publication

~~26-27.~~ Prior to occupation of any dwelling, the applicant, or their agents or successors in title, shall secure the implementation and completion of a programme of archaeological post excavation and publication work in accordance with a written specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that results of archaeological investigation are properly assessed and disseminated in accordance with policies ENV13 and ENV15 of the Ashford Local Plan 2030.

Environmental Protection

Noise protection scheme

~~27-28.~~ No development above foundation level within any phase shall take place until a scheme for protecting the dwellings hereby approved from road noise from Ashford Road A28; connecting roads, the Chilmington Green secondary school and potentially other sources such as plant (including air sourced heat pumps) shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings are occupied, and thereafter shall be retained as effective protection.

REASON: To protect the amenity of occupiers of the dwellings from undue disturbance by noise in accordance with policy SP1 of the Ashford Local Plan 2030.

Land Contamination

~~28-29.~~ No development, including site clearance and below ground works, within any phase shall take place until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority and no development, including site clearance and below ground works, shall take place until the measures approved in the approved scheme have been implemented.

The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures:

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

submitted to and approved in writing by the Local Planning Authority without delay upon completion.

- iii. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme.

A full copy of the completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1, ENV1 and ENV8 of the Ashford Local Plan 2030.

PRE-COMMENCEMENT REASON: contamination could be present on site which could cause harm to those carrying out the development and/or neighbouring occupiers if not properly managed and at the time of granting permission, full details had not been provided, therefore details of the matters set out above must be submitted and agreed in advance of works starting.

Reporting of Unexpected Contamination

~~29-30.~~ If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1, ENV1 and ENV8 of the Ashford Local Plan 2030.

Detailed Design

Accessible Dwellings

~~30-31.~~ The plans and particulars pursuant to condition 1 'layout', 'scale' and 'appearance' shall include details of how at least 20 percent of the new dwellings shall be built in compliance with building regulations part M4 (2) as a minimum standard. The development shall be implemented in accordance with the details so approved.

REASON: to ensure the housing is designed to meet the needs of occupiers throughout their lifetime in accordance with policy SP1 and HOU14 of the Ashford Local Plan 2030.

Crime Prevention through Environmental Design

~~31-32.~~ The plans and particulars pursuant to condition 1 'layout', 'landscaping', 'scale' and 'appearance' shall include details of measures to be incorporated into the development to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD). The measures shall be implemented in accordance with the approved details prior to the first occupation or use of the relevant phase

Reason: In the interest of security and to promote public safety and reduce crime in accordance with policy SP1 and SP6 of the Ashford Local Plan 2030.

Services Plan

~~32-33.~~ No development excluding site clearance and enabling works within any phase shall take place until a services plan has been submitted to and approved in writing by the Local Planning Authority. The services plan shall include the provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of visual amenity in accordance with policies SP1 and SP6 of the Ashford Local Plan 2030.

Water Usage Restriction

~~33-34.~~ Prior to the occupation of each dwelling, that dwelling shall be constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and confirmed by Notice required by the Building Regulations 2010 (as amended).

Reason: to ensure the development is sustainable and in accordance with policies SP1 and ENV7 of the Ashford Local Plan 2030.

Fibre to the Premises

~~34-35.~~ Prior to the occupation of any dwelling hereby permitted details, including plans, shall be submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development, or in the case of new technology, details of such new technology demonstrating the comparable broadband speed. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be available for use on the first occupation of each dwelling.

Reason: to ensure the development is provided with high quality broadband services in accordance with Policies SP1 and EMP6 of the Ashford Local Plan 2030.

END