



## Appeal Decisions

Hearing held on 30 July 2024

Site visit made on 30 July 2024

**by Zoe Raygen DipURP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 August 2024**

### **Appeal A Ref: APP/F2415/W/24/3340441**

#### **Land adjacent to Langton Hall, West Langton**

- 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 Clarity Property Epsilon Limited against the decision of Harborough District Council.
- The application Ref is 23/00852/OUT.
- The development proposed is two serviced plots for self-build and custom housebuilding.

### **Appeal B Ref: APP/F2415/W/24/3340449**

#### **Land adjacent to Langton Hall, West Langton**

- 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 Clarity Property Epsilon Limited against the decision of Harborough District Council.
- The application Ref is 23/01530/OUT.
- The development proposed is one serviced plot for self-build and custom housebuilding.

### **Decision**

1. Appeal A is dismissed.
2. Appeal B is allowed, and outline planning permission is granted for one serviced plot for self-build and custom housebuilding at land adjacent to Langton Hall, West Langton, in accordance with the terms of the application, Ref 23/00852/OUT, subject to the conditions in the attached schedule.

### **Preliminary Matters**

3. As the appeals relate to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Both planning applications, the subject of these appeals, are in outline form but with plot passports, design codes and a layout in illustrative form only. I shall deal with the appeal proposals on the same basis.
5. On the day of the Hearing a consultation on "Proposed reforms to the NPPF and other changes to the planning system," the "National Planning Policy Framework: draft text for consultation and a Written Ministerial Statement: Building the Homes we Need (the WMS) was issued. Parties were given time to submit comments after the Hearing and any submitted have been considered in my decisions.

6. There are four Unilateral Undertakings (UUs) before me, three in respect of Appeal B and one regarding Appeal A. Following discussion at the Hearing, time was given to the parties to continue discussions on the UUs regarding securing the houses as self-build and custom build. Revised UUs in this respect were submitted on 20 August 2024 and I return to these later in my decision.

## **Main Issues**

7. The main issues for both appeals are:

- The effect of the proposal on the designated heritage assets: Langton Hall Registered Park and Garden Grade II and Langton Hall and Stable Block, Grade II listed buildings; and
- Whether the location of the appeal site is acceptable having regard to development plan policy.

## **Reasons**

### *Heritage assets*

#### *Significance*

8. The Langton Hall Registered Park and Garden (the RPG) dates from the eighteenth century centred on Langton Hall and associated stable block designed by Reverend William Hansbury. It includes now-divided ornamental gardens, and a walled garden to the north-west. Long avenues radiate from the hall complex, with the area closest to the hall to the east defined by a ha-ha. It has areas of open grassland punctuated with woodland.
9. It has been altered over the years by the introduction of modern housing within the walled garden, the loss of trees, the severance and erosion of the avenues and earthworks relating to a former golf course. Furthermore, a utility block for a former caravan park has been converted to a dwelling together with a new dwelling to the east of the stable block.
10. Nevertheless, the changes have not eroded it to an extent that it is not easily recognisable as a park and garden. Its significance for the purposes of this appeal is largely derived from its mix of grassland and trees together with the more formal aspects of the garden marking the importance of the associated buildings.
11. Langton Hall is a Grade II listed building, forming a country house constructed around 1660-9 and altered in the 1800s and the early twentieth century. Building materials are ironstone and ashlar limestone with graded slate roofs and stone stacks coped parapets. Although converted to several residential units its original purpose and form is readily understood. Its significance for the purpose of this appeal lies within its architectural and historic interest as an example of a fine, high status country house associated with a number of prominent families which retains much of its earlier architecture and demonstrates its evolution over time.
12. The associated stable block is also a grade II listed building constructed in the mid eighteenth century with later additions from brick and stone. It has four ranges constructed around a courtyard. Although the building has been subdivided and converted to residential use it appears to have retained many of its original features and its use as a stable block is easily understood with

the conversion having been undertaken in a sensitive manner. Moreover, the changes are not to such an extent that they fundamentally alter the character of the original building or its clear historic relationship with the main house.

13. The former use of the building as stables signifies the presence of the country estate and confirms the history of the related main dwelling. Therefore, the stables have significance in their own right, but also contribute positively to the special interest of Langton Hall through their historical and functional association with it and their presence within its setting.
14. The setting of the buildings is largely defined by the historic park and garden which contributes to the significance by illustrating the status and function of the buildings. Beyond the park and garden the open countryside provides the setting for the country house estate emphasising its status and function in the wider landscape.

*Contribution of appeal site*

15. The appeal site lies within the historic park and garden to the north of the hall and stables. It is formed from open grassland with a number of mature trees and hedgerow to the adjacent open countryside to the north. It is apparent from the historic maps provided in the appellant's evidence that a number of trees have been lost. In addition, the appeal site is not within the most sensitive areas of the RPG. Nevertheless, I agree with the Inspector in the earlier appeal on this land<sup>1</sup> that the open grassland together with the trees on the site are still an important feature of the RPG. This is especially true on the northern side of the access road in this location where the appeal site forms a buffer, as an open part of the RPG between the built form and the open countryside. It therefore contributes positively to the significance of the RPG.
16. Intervisibility between the appeal site and the listed buildings is limited and I saw mainly restricted to the southeastern part of the site, and then only the top of the hall and the clock house on the stables are visible. This is mainly due to the distance between the buildings and the site, the dense tree cover and the presence of Quorn House, which is the house converted from the former utility building.
17. I appreciate in the winter the leaf cover of the trees would be absent. Nevertheless, I am not convinced that would make a significant difference given the very limited views of the buildings available due to the intervening Quorn House. Consequently, the appeal site contributes to the significance of the listed buildings in as much as it forms part of the RPG which contributes to the significance of those buildings.

*Impact*

18. Both appeals before me are in outline form with only the means of access to be considered. Nevertheless, I have an illustrative layout, design code and plot passports. Furthermore, the Council would retain control of the appearance of the buildings through the requirement for a submission in relation to the reserved matters. I am satisfied therefore that there is sufficient information for me to reach a decision regarding the impact of the proposals.

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<sup>1</sup> APP/F2415/W/19/3228050 (the previous appeal decision)

19. The trees, which are the subject of a Tree Preservation Order, would be retained with the houses being carefully sited in the open grassland in between. However, this would result in the introduction of built form into the otherwise open RPG at this location. Although not the most sensitive part, both would result in the loss of open grassland, and in the case of the two houses, most of that open grassland on the appeal site. While it appears from the historic maps that there was a small structure on the site at one time, possibly a tennis court or bowling green, both the single and two plots would have a much larger footprint and would have mass and volume of a two storey house. This together with the associated domestication and access road would erode the RPG harming the significance of that asset but also the contribution that it makes to the setting of the listed buildings resulting in less than substantial harm to the heritage assets, a matter agreed by both parties.
20. The appellant has sought to ascribe a level of harm within the less than substantial spectrum. While I am mindful that the National Planning Policy Framework (the Framework) only refers to less than substantial harm I have also had regard to caselaw<sup>2</sup> and the Planning Policy Guidance<sup>3</sup> which states that within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.
21. The proposal for two houses would in my view cause a moderate level of harm within that spectrum. This is because the provision of two plots and the access road would lead to the loss of most of the open grassland which contributes positively to the RPG. Furthermore, plot 02 would be sited very close to the northern boundary of the appeal site and while its presence may be largely hidden in the summer months, in the winter when the trees lose their leaves it would be very apparent so close to the boundary. While I appreciate it would be seen within the backdrop of built development and particularly Quorn House, the view from the public right of way to the north is currently of a woodland area with the built form barely perceptible, particularly in the summer. With the house on plot 02 in place, given its proximity to the boundary, it would harmfully erode the appearance of the RPG and the buffer it provides to the open countryside.
22. The provision of one plot would be provided as shown on the illustrative plan while still retaining a substantial buffer to the open countryside without built form and its orientation would be such as to provide a narrower elevation to the open countryside reducing its impact which again would be visible against the backdrop of built form.
23. I appreciate that both plots would be north of the access road where no other development has occurred, and I consider that two dwellings would erode the landscape of the RPG to an unacceptable degree with its consequent impact on the significance of the heritage assets. However, one plot could be achieved as demonstrated while still retaining a large amount of open grassland and trees which contribute positively to significance. Furthermore, the one plot while being two storeys, would have a less spread out footprint than that which was dismissed under the previous appeal allowing the retention of more open land. It would still enable the area to be read predominantly as an area of grassland

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<sup>2</sup> Kinsey, R (On the Application Of) v London Borough Of Lewisham [2021] EWHC 1286 (Admin) (18 May 2021)

<sup>3</sup> Paragraph: 018 Reference ID: 18a-018-20190723

with trees from all views into the RPG and towards the heritage assets minimising the harm to their significance.

24. The Council raises concerns regarding the proximity of the plots to the trees and the consequent pressure that may arise from residents for their reduction or felling due to shade in their gardens/houses. I have some sympathy with this view, particularly when considering the two plots which would leave little open grassland and site the house in plot 02 close to tree canopies.
25. However, the orientation and footprint of the single plot would allow sufficient room for a garden and house away from the tree canopies. In addition, I saw at my site visit that the area for the single plot and garden would receive full sunlight in at least part of the day. The siting though would need careful consideration when assessing detailed applications, together with any proposed garaging. Consequently, for all of the above reasons I consider that the proposal for one dwelling would lead to harm at the lower end of the less than substantial spectrum.
26. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the above, I have found the harm to be less than substantial in this instance for both proposals, but nevertheless of considerable importance and weight.
27. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. I return to this in my conclusion.
28. I appreciate I have made my assessment on plans which are illustrative only. However, I need to be satisfied that this sensitive site can accommodate the proposed development in an appropriate manner and there are no other plans before me to demonstrate how the development could be positioned.

#### *Location*

29. The spatial strategy for the district sets out a hierarchy of settlements to which development is directed to ensure that it is suitable and sustainable in relation to the settlement concerned. This seeks to protect settlements identity and distinctiveness while acknowledging that they have varying levels of access to local services, facilities and public transport.
30. Policy GD3 of the Harborough Local Plan 2011-2031 adopted 2019 (the Local Plan) requires that rural housing is provided in accordance with Policy GD4 regarding new housing in the countryside. This policy allows for housing on small sites of no more than 4 dwellings which are within or physically and visually connected to settlements and which meet a local need for housing of a particular type.
31. The Council has accepted the findings of the appellant's Housing Needs Survey (the HNS) which sets out the level of unmet need for housing in the area. The HNS was carried out by an independent company with considerable experience in the preparation of such surveys and the study method followed government

practice guidance regarding housing needs surveys and assessments and was based on evidence from official data, a household survey and data from the Land Registry and Rightmove.

32. Local residents raise concerns about the validity of the survey, particularly around the methodology. The survey was sent to 54 residential households in West Langton Parish and 18 business addresses with about a 26% response rate from the residential properties. While the survey did not ask questions as to whether residents wanted to see no further building, this would not be particularly relevant to a housing needs survey.
33. The HNS found a need for one affordable dwelling over the next five years and a need for 3, 4 and 5 bedroom detached market dwellings and particularly a strong need for self-build and custom housebuilding. While the residents dispute this, there is no substantive evidence contrary to the HNS to lead me to a different conclusion. While evidence has been provided of houses for sale in the local area and those that have been sold, these would not be for self-build or custom housebuilding. Furthermore, the latter was one option to choose on the survey form. I therefore see no reason not to accept the findings of the HNS.
34. The Council also accepts that the appeal site is within and visually connected to a settlement formed by the dwellings in and around Langton Hall. Although there is no definition of a settlement, from my observations on site, I see no reason to disagree. Therefore, I am satisfied that both proposals meet the requirements of Policy GD4 and accord with the spatial strategy in the Local Plan.
35. Policy H5 of the Local Plan concerns housing density, mix and standards. Part 1a requires that development makes efficient use of land and while respecting the character of the area maximises the density on sites from where a full range of services and facilities is accessible by walking, cycling and public transport.
36. The settlement around Langton Hall has no facilities and there is no convenient footpath to Church Langton or surrounding villages. Roads are narrow and unlit and there are no public transport facilities. It is highly likely therefore that all journeys would be made by private car. However, Policy H5(1a) requires sites where there is good accessibility to have high density development. As this site does not have good accessibility then this part of the policy has not been determinative. The proposal is in accordance with the spatial strategy within which the Council advised at the Hearing that accessibility considerations have already been considered.
37. Policy H5(4) states that proposals for self-build and custom build housing will be supported in any location suitable for housing. The Council considers that as the proposal would cause harm to the significance of heritage assets it would not be in a location suitable for housing.
38. However, paragraph 5.9.7 of the Local Plan states that Policy H5 supports self-build and custom build housing in any location suitable for housing in accordance with the spatial strategy and the criteria set out in Policy GD2. Policy GD2 is not relevant here as the appeal site is not adjacent to a settlement referenced in that policy. However, I have already found that the

proposals are in accordance with the spatial strategy and therefore I do find the appeal site to be suitable for housing.

39. For the reasons above, I conclude that the location of the appeal site is acceptable having regard to development plan policy. There is therefore no conflict with policies GD3, GD4 and H5 of the Local Plan.

### **Legal Agreements**

40. There are three unilateral agreements before me regarding Appeal B. One restricts the development to one dwelling only. Another restricts the area to the east of the appeal site to amenity use only, offering it and an ecological buffer to the Langton Hall Management Committee for a nominal fee. I consider these obligations to be necessary to ensure that the significance of the heritage assets is not harmed through the erection of further built form.
41. The other obligation, together with one for the two dwellings proposed on appeal A, secures the provision of the plots as self-build and custom build housing. These obligations are necessary to ensure that the houses meet a very specific need for housing within the district. I am satisfied therefore that all the obligations meet the requirements of paragraph 57 of the Framework.

### **Heritage Balance**

#### Appeal A

42. The appellant's comments on the revisions to the Framework and the WMS suggests that due to proposed changes to paragraph 11d that the Council may be unable demonstrate a five year housing land supply and in any case there is an urgent need to provide more housing in Harborough not only to address current unmet housing needs, but also to plan for the impending substantial uplift in housing targets especially given the Government's increased emphasis on housing. Even if I accept this, the proposal would add only two dwellings to the overall housing supply in accordance with the Council's spatial strategy which, given the proposed number of dwellings, would attract moderate weight.
43. The proposed houses would be self-build and custom build housing secured by an agreed Unilateral Undertaking. The parties agree that the Council should have facilitated the provision of 182 plots by 30 October 2023. This will rise to 218 by October 2024.
44. The Council considers it has granted planning permission for 27 plots whereas the appellant considers that only 17 of those plots meet the legislative requirements for a planning permission to count as self-build. Whichever the figure there is still a very large deficit when the Council has a duty to give enough suitable development permissions to meet the identified demand. Although the Council was not able to give exact figures, it indicated that there were not many more permissions to be added against the demand that should be provided by October 2024 and there would still be a very large deficit. The provision of two plots as self-build and custom housing therefore attracts substantial weight.
45. The proposal would provide economic benefits due to the construction of the plots and purchase of materials. The appellant has also provided undisputed evidence which suggest that custom and self-build development produces more

than doubling of the beneficial local economic impact of mainstream housing when labour and materials are viewed together. Furthermore, the contribution of small and medium sized housebuilders to the provision of new homes has declined by 69% since 1988. Consequently, I give these benefits significant weight.

46. I have found that the harm to heritage assets would be at a moderate level within the less than substantial spectrum of harm but nevertheless of considerable importance and weight. Although the benefits would be substantial, they would not outweigh the harm in this instance. I conclude therefore that the proposal would fail to preserve the setting of the Grade II listed building and would harm the significance of the registered park and garden. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with policy HC1 of the Local Plan which requires that development should protect conserve or enhance the significance, character, appearance and setting of heritage assets.
47. Even if the Council is unable to demonstrate a five year housing land supply the harm to the heritage assets provides a clear reason for refusing the development proposed in accordance with paragraph 11di) of the Framework. As a result the proposal would conflict with the development plan as a whole.
48. The appellant has submitted details of a decision made by the Council where it considered that the provision of a self-build and custom house outweighed the harm caused by the proposal and the conflict with the development plan<sup>4</sup>. However, I note that this case did not involve the harmful effect on heritage assets and therefore is not sufficiently similar for me to reach the same conclusion.

#### Appeal B

49. The proposal would add a dwelling to the overall housing supply in accordance with the Council's spatial strategy which would attract moderate weight.
50. As above, I attach substantial weight to the provision of a self-build and custom build house. Furthermore the economic benefit would attract significant weight.
51. I have found that the harm to heritage assets would be at the lower level within the less than substantial spectrum of harm but nevertheless of considerable importance and weight. The benefits would be substantial, and I am satisfied that in this instance they would outweigh the harm to the heritage assets. I conclude therefore that on balance the proposal would preserve the special interest of the listed buildings and the significance of the registered park and garden. This would satisfy the requirements of the Act, paragraph 203 of the Framework and would not conflict with policy HC1 of the Local Plan that requires that development should protect conserve or enhance the significance, character, appearance and setting of heritage assets. As a result the proposal would be in accordance with the development plan. Furthermore, even if the Council is correct in its application of policy H5(4) of the Local Plan, this would still be a suitable site for housing.
52. I appreciate this is a different conclusion to that made by the Inspector in the previous appeal on the site. However, that dwelling was advanced based on

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<sup>4</sup> 24/00426/OUT

paragraph 79e of a previous iteration of the Framework as a dwelling of exceptional quality in an isolated location. However, the Inspector did not agree and there were no benefits that outweighed the harm to heritage assets. This proposal is advanced on different circumstances which I have found persuasive.

53. It is also a different conclusion to the Inspector who considered a proposal for one dwelling at Straun Cottage<sup>5</sup>. However, from the detail of the decision notice, the appeal site in that case was within a conservation area and directly opposite to the relevant listed building. This is different to the case before me now and not sufficiently similar for me to reach the same conclusion.
54. I understand resident's concerns that by allowing a plot within the RPG would set a precedent for future development. However, I am not aware of any pending applications, and I have made my assessment made on the very specific conditions of the appeal site and the benefits of the proposal. This may not be the same for future proposals.

## **Planning Balance and Conclusion**

### **Appeal A**

55. The proposal would conflict with the development plan as a whole. The matters I outline above would not be sufficient to outweigh that conflict. Consequently the appeal should be dismissed.

### **Appeal B**

56. The proposal would accord with the development plan as a whole. Consequently the appeal should be allowed.

### **Conditions**

57. I have had regard to the conditions which are contained in the Statement of Common Ground and were discussed at the Hearing. I have made changes to ensure that the conditions in respect of Appeal B accord with the requirements of the Planning Practice Guidance and the Framework.
58. Standard conditions regarding the submission of reserved matters and accordance with illustrative plans, design code, plot passport and design and access statement are necessary to give certainty (1-4).
59. An Arboricultural Method statement is required prior to work commencing on site to ensure that trees are appropriately protected before work starts (5).
60. An updated badger and aerial tree climbing survey are required prior to work commencing on site to ensure any mitigation works required for badgers or bats can be instigated appropriately before any work starts (6) and (7).
61. A condition requiring details of lighting is necessary to protect bats (8). A Biodiversity Enhancement strategy is required to ensure that appropriate means of enhancing biodiversity are delivered on the appeal site (9).
62. A condition restricting operations, to outside of the bird nesting season, the maintenance of grass levels to protect reptiles and measures to prevent the disturbance of hedgehog habitats is necessary to protect biodiversity (10).

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<sup>5</sup> APP/F2415/W/24/3339452

63. A Construction Method Statement is required prior to work commencing on site to ensure that appropriate measures are in place prior to works starting to protect resident's living conditions (11).
64. Two conditions are imposed to restrict permitted development regarding ancillary domestic outbuildings and boundary treatment to protect the significance of the heritage assets (12) and (13).
65. I have not imposed the suggestion condition regarding self-build and custom housing as this is more effectively covered by the submitted unilateral undertaking.

*Zoe Raygen*

INSPECTOR

APPEARANCES

**FOR THE LOCAL PLANNING AUTHORITY**

|                  |   |
|------------------|---|
| Ms S Hammond     | Senior Planning Officer Market<br>Harborough District Council               |
| Mr D Buckley     | Conservation Officer Market<br>Harborough District Council                  |
| Ms N Parry       | Development Management<br>Team Leader Market<br>Harborough District Council |
| Ms J Christopher | Policy Officer Market<br>Harborough District Council                        |

**FOR THE APPELLANT**

|              |  |
|--------------|--|
| Mr R Donahue | Clarity Property Epsilon Ltd                           |
| Mr A Moger   | Director, Tetlow King Planning                         |
| Ms G Stoten  | Heritage Executive Director,<br>Pegasus Planning Group |
| Mr R Moore   | Land owner and resident                                |

**Interested Parties**

|             |                |
|-------------|----------------|
| Ms M Green  | Local resident |
| Mr K Ezzat  | Local resident |
| Mr C Reeves | Local resident |
| Ms S Hadley | Local resident |

|                      |                                    |
|----------------------|------------------------------------|
| Ms J Life            | Local resident                     |
| Councillor R Folwell | Chair, East Langton Parish Council |

### **DOCUMENTS SUBMITTED AT THE HEARING**

Appeal A

1 Unilateral Undertaking securing self-build and custom housing

Appeal B

1 Unilateral Undertaking securing self-build and custom housing

### **DOCUMENTS SUBMITTED AFTER THE HEARING**

- A Email dated 13 August including the appellant's response to the consultation draft Framework.
- B Email dated 13 August giving the Council's response to the consultation draft Framework.
- C Email dated 15 August with Council's response
- D Email dated 16 August with appellant's response
- E Email dated 20 August from appellant including two Unilateral Undertakings
- F Email dated 20 August from appellant stating agreement of the Council to the wording of the Unilateral Undertakings

## **Appeal B Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, "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. The reserved matters shall include the following:
  - i) the layout and surfacing of the internal access road, footway and any shared surfaces;
  - ii) any external lighting in these areas;
  - iii) site boundary treatments and structures;
  - iv) landscaping not incorporated within a residential plot curtilage including any shared open space and associated tree planting; and
  - v) the identification of and enclosures for the plot boundary
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The reserved matters submissions for the plot will be in general accordance with the Design & Access Statement, Design Code and Plot Passport submitted as part of this outline.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved illustrative site plan E2310(2)P03A but only in respect of those matters not reserved for later approval.
- 5) No development shall commence on site, including site clearance and preparation works, until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include numbering and categories of all trees, details of trees to be retained, details of fenced root protection areas, routeing of service trenches, overhead services and carriageway positions and any details of "no-dig" techniques for roadways, paths or other areas, along with associated use of geotextiles, and an indication of the methodology for necessary ground treatments to mitigate compacted areas of soil. No development shall commence on site, including site clearance and preparation works, until the trees have been protected in accordance with the approved Arboricultural Method Statement.
- 6) Prior to commencement of development, an updated walkover survey for badgers shall be undertaken by an appropriately experienced ecologist to ensure that no new setts are present. The timing for this survey should be sufficiently in advance of construction works to allow a licence to be obtained (if required). The findings of the survey and any additional mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details.
- 7) Prior to commencement of development, an updated aerial tree climbing survey followed by presence/absence surveys to determine bat usage of

trees, shall be carried out in accordance with the recommended methodologies set out in the 'The Ecology Surveyor' preliminary ecological appraisal report dated June 2023. The findings of the survey and any additional mitigation measures proposed shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details.

8) No external lighting shall be installed on the site until details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme must be sympathetic to nocturnal species, in accordance with recommendations in the 'The Ecology Surveyor' preliminary ecological appraisal report dated June 2023. External lighting shall only be installed in accordance with the approved details and shall not be replaced with any alternative lighting without the prior permission in writing of the Local Planning Authority.

9) Prior to any works for the construction of the development hereby approved, a Biodiversity Enhancement Strategy in accordance with the recommendations made within the 'The Ecology Surveyor' preliminary ecological appraisal report dated June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the provision of at least one bat box, one 'universal' bird box, and one bee brick to be integrated into the façade of each proposed building. The approved scheme of enhancements shall be implemented and managed in accordance with the approved details.

10) Operations that may disturb bird nesting habitat, such as works to trees or site clearance, will be undertaken outside the main breeding season (which is generally taken to run from March to August inclusive). If this is not possible, a check for nesting birds will be undertaken immediately prior to habitat removal by a suitably experienced ecologist. If the latter approach is taken and nesting is encountered there is a risk of delay since an 'exclusion zone' shall be set up around nests until young have fledged.

The grass is potential reptile habitat and so should be maintained under 10 cm in the lead up to works on Site through grazing or regular mowing. If the Site has been allowed to become overgrown before works commence, staged vegetation removal shall be undertaken, whereby the habitat is cut to 10 cm and left over at least one night, before then being cut to ground level.

Any operations that may disturb hedgehog habitat, such as site clearance or works to tree line bases, will include a check for hedgehogs immediately prior to habitat removal. If a hedgehog is found it will be taken to a pre-prepared refuge in a safe area of the Site.

11) No development shall commence on site (including any works of demolition), until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development (taking into account tree protection areas);
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) hours of construction work, including deliveries; and
- vii) measures to control the hours of use and any piling technique to be employed
- viii) measures to control and minimise noise from plant and machinery

The approved CMS shall be adhered to throughout the construction period and verified where appropriate.

- 12) Notwithstanding the provisions of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or reenacting or amending that Order with or without modification) no gates, fences, walls or other means of enclosure, other than those approved under the reserved matters submission, shall be erected anywhere within the site.
- 13) Notwithstanding the provisions of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings, other than those approved under the reserved matters submission, shall be erected anywhere within the site.