

APPENDIX 1: Planning Obligation requirements and recommended conditions in the event of the Inspector being minded to allow the appeal.

PLANNING OBLIGATION

The appeal proposals are accompanied by a scheme for a 1.5ha area of mitigation land for Great Crested Newts (GCN). The land lies within the appellants ownership but outside of the red line application boundary. The Council contends that a Planning Obligation is required to ensure the land is retained and managed in perpetuity as a GCN mitigation area and therefore the appellants need to submit a signed Unilateral Undertaking prior to the determination of the appeal.

PLANNING CONDITIONS

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990

2. The development shall be carried out in strict accordance with the following approved drawings:

- i) RJC-MZ63-Huxley-01: Location Plan received on 6 December 2017
- ii) RJC-MZ63-Huxley-02: Proposed Block Plan received on 6 December 2017
- iii) RJC-MZ63-Huxley-03 Proposed Floor Plan received on 6 December 2017
- iv) RJC-MZ63-Huxley-04 Proposed Elevations received on 6 December 2017
- v) RJC-MZ63-Huxley-05 Drainage Plan received on 2 January 2018
- vi) 1488.04 Revision A: Landscape Proposals received on 22 September 2017

Reason: To define the scope of the planning permission

3. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;

g) Details of all proposed tree works, including felling and pruning.

Reason: To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the trees within/close to the site.

4. No part of the development shall commence until a scheme detailing the following has been submitted to and approved in writing by the Local Planning Authority:

- i) The detailed layout, design, drainage, construction and surfacing of the proposed site access onto Queensford
- ii) A scheme for the permanent closure of the existing site access onto Mulsford Lane and the existing field access adjacent to the junction of Mulsford Lane and Queensford.

No part of the development shall be implemented until the scheme as approved has been implemented in full.

Reason: To ensure a safe means of access to the development is provided and that existing substandard accesses are closed up in the interests of highway safety.

5. Development shall not commence until a scheme of Reasonable Avoidance Measures (RAMs) in respect of Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only take place in strict accordance with the RAMs scheme as approved.

Reason: To ensure the development can take place without harming statutory protected species.

6. No part of the development shall commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- i) A detailed plan of the compensation area shown in Appendix 2 of the Churton Ecology Addendum (relating to Great Crested Newt) to the Ecological Impact Assessment dated February 2 February 2018, to include fully details of all boundary treatment;
- ii) An Ecological Method Statement in respect of the works to be carried out to establish the compensation area referred to above, to include a timetable for implementation of those works;
- iii) A biosecurity risk assessment.

The compensation area shall thereafter be provided in strict accordance with the details as approved.

Reason: To ensure that adequate mitigation is provided to off-set the impact of the development upon statutorily protected species and to protect the local environment from non-native invasive species.

7. No part of the development shall commence until a long term Ecological Management and Monitoring Plan in respect of the habitat compensation area required by condition 06 has been submitted to and approved in writing by the Local Planning Authority. The land shall thereafter be managed and monitored in strict accordance with Ecological Management and Monitoring Plan as approved.

Reason: To ensure the habitat mitigation area is adequately managed in the interests of protecting statutorily protected species.

8. Soft landscaping shall be carried out in strict accordance with the details shown on drawing 1488.04 Revision A: Landscape Proposals received on 22 September 2017 during the first planting season (November to March) and seeding season (April to September) following the first use of the development and thereafter managed and maintained in accordance with the Landscape Management and Maintenance details specified on that drawing.

Reason: To assist with the visual integration of the development into the landscape and to ensure the benefits of landscaping are retained throughout the lifetime of the development.

9. The soft landscaping carried out with the details shown on drawing 1488.04 Revision A: Landscape Proposals received on 22 September 2017 shall be permanently retained throughout the lifetime of the development. Any planting or seeding becoming severely damaged or seriously diseased, is in poor physiological condition and/or is removed shall be replaced during the next available planting or seeding season by trees, hedgerow or grass species of the same specification as those originally planted.

Reason: To assist with the visual integration of the development into the landscape and to ensure the benefits of landscaping are retained throughout the lifetime of the development.

10. Within three months of the commencement of development a scheme of hedgerow planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for hedgerows to be planted:

- i) Across the existing accesses required to be closed by condition 04; and
- ii) To replace any hedgerows removed in order to provide the visibility splays required by condition 13.

The scheme as approved shall be implemented in full during the first planting season (November to March) following the first use of the development. The hedgerows planted in accordance with the scheme shall thereafter be permanently retained throughout the lifetime of the development. Any the hedgerow that becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed shall be replaced during the next available planting by hedgerow species of the same specification as those originally planted.

Reason: To assist with the visual integration of the development into the landscape and to ensure the benefits of landscaping are retained throughout the lifetime of the development.

11. No external lighting shall be installed on the buildings hereby permitted until full details of the light fittings, to include the location of all external lights and all cowls/shielding have been submitted to and approved in writing by the Local Planning Authority. No lighting shall thereafter be installed on the buildings or on any part of the site other than in strict accordance with the details as approved.

Reason: In the interests of protecting the countryside from unnecessary visual intrusion as a result of lighting at night.

12. No part of the development shall be brought into use until provision for the drainage of foul and surface water has been put in place and made operational in accordance with the details shown on approved drawing no. RJC-MZ63-Huxley-05 Drainage Plan received on 2 January 2018. The means of foul and surface water drainage shall thereafter be permanently retained throughout the lifetime of the development.

Reason: To ensure that adequate provision is made for the drainage of the site in the interests of preventing pollution of the water environment and to minimise the risk of flooding arising from surface water run-off.

13. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 118 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction above the level of the adjoining carriageway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.

Reason: To ensure that adequate visibility is provided at the proposed point of access to the highway.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or placed across the access within 20 metres of the highway boundary under Class A, of Schedule 2 Part 2

Reason: To avoid the need for vehicles to wait on the highway when gates are opened or close in the interests of the free flow of traffic and highway safety.