

APP/H1840/W/24/3346731 - Land at Dilmore Lane, Fernhill Heath

Draft List of Planning Conditions (v6)

1. An application for the approval of all reserved matters shall be made to the local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

3. The development hereby permitted shall provide no more than 130 dwellings.

Reason: To define the scope of the permission.

4. The first Reserved Matters submitted pursuant to Conditions 1 and 2 shall include a Phasing Plan for the development which shall set out the details of the Phased delivery of the development including the proposed Self Build serviced plots for the written approval of the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved Phasing Plan.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

5. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

- Site location – 8924_APP001
- Proposed Junction Arrangements - Site Access - 230133-RAP-XX-XX-DR-TP- 3202/P1

Reason: To define the permission.

6. Details of the levels of the existing site and the precise floor slab levels of the approved dwelling(s), relative to the existing development on the boundary of the site, shall be submitted for approval as part of the reserved matters. Thereafter, the development shall be undertaken in accordance with the approved levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

7. Details of screen walls, fences, surface treatments to drives, cycle and footways and implementation timetable shall be submitted for approval as part of the landscaping reserved matters for the written approval of the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

8. Clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08:00 and 18.00 hrs Monday to Friday and 08.00 and 13.00 hrs on a Saturday. There shall be no clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason: To preserve the amenities of the locality in accord with Policy SWDP21 of the South Worcestershire Development Plan.

9. Before the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:

- the overall predicted energy requirements of the approved development;
- the predicted energy generation from the proposed renewable/low carbon energy measures; and
- an implementation timetable for the proposed measures.

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

Reason: To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan.

10. The following details shall be submitted for approval as part of the landscaping reserved matters application(s):

- a) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;
- b) a schedule of proposed planting – indicating species, size at time of planting and
- c) numbers/densities of plants;
- d) a written specification outlining cultivation and others operations associated with plant and grass establishment;
- e) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

The landscaping shall be provided and maintained in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the area and to ensure the satisfactory development of the site in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan.

11. No development shall take place (including any ground works, demolition or site clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on appropriate up-to-date surveys, and include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) Detailed reptile mitigation strategy;
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details., unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, the Environment Act 2021 and SWDP policy 22.

12. Prior to the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The content of the LEMP shall be based on the approved Landscape Scheme and shall be

guided by the requirement to achieve Biodiversity Net Gain and maintain this after implementation, and shall include the following:

- a) Details (type and location) of wildlife boxes and hibernacula;
- b) Description and evaluation of the features to be managed;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) On-going monitoring and remedial measures.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan 2016.

13. A "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The strategy shall include the following:

- a) Identification of dark corridors and areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting (other than domestic on plot lighting) shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and to minimise impacts on protected species in accordance with Policy SWDP22.

14. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

15. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the Flood Risk Assessment, Drainage Strategy & Water Management Statement (23-0133 revision 3). The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage. Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

16. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

Reason: To ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

17. Prior to the commencement of the development, full details of a scheme for the provision of foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall:

- Include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and the capacity of any on or off-site storage;
- Include a timetable and programme for the provision of the foul sewerage infrastructure; and
- Demonstrate that, where connection to a public sewer is proposed, the additional foul sewerage discharge can be accommodated within the public sewer system without increasing the risk of flooding or backing up of the existing system on the site or elsewhere. The development shall be carried out in accordance with the approved details and the approved timetable and programme.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul sewage and to ensure that the development does not increase the risk of flooding. 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, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

18. Other than that required to be carried out as part of an approved scheme of remediation, the development hereby approved must not commence until conditions 1 to 5 have been complied with:

1. As proposed by Georisk Management report no:23011/1 (January 2023) a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.
3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the 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.

19. No dwelling hereby approved shall be occupied until the vehicular access has been provided as shown on the Rappor Drawing No. 230133-RAP-XX-XX- DR-TP-3202/P01.

Reason: To ensure conformity with submitted details.

20. Development shall not begin until visibility splays are provided from a vertical point 1.05m above carriageway level at the centre of the application main site access and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 89.4m northwards and 90.5m southwards, respectively, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to grow on the triangular areas of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

21. The development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards have been submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be provided prior to first occupation of each dwelling and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

22. The development hereby approved shall not be occupied until a Travel Plan has been submitted in accordance with the County Council guidelines that promotes sustainable forms of access to the

development site and has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for a minimum of 5 years and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

23. The development hereby approved shall not be occupied until a residential Travel Welcome Pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

24. The dwellings hereby approved shall not be occupied until the following highway improvements works have been completed to the satisfaction of the Local Planning Authority and approved in writing and open to traffic:

- A new 3.5m footway/cycleway 'active travel corridor' on east side of Dilmore Lane from the new site access southwards to Suffolk Way.
- Relocation of existing 30mph speed limit with agreed associated road markings on Dilmore Lane.
- Extension of existing street lighting On Dilmore Lane.
- New village gateway feature (details to be agreed) on Dilmore Lane verge.
- New cycling parking with associated hardstanding at westbound bus stop on A38 Droitwich Road, located west of Dilmore Lane.

Reason: To ensure the safe and free flow of traffic onto the highway.

25. The development hereby approved shall not commence until a Street Lighting Assessment report has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall consider the following:

- The need or not for additional public highway street lighting in the vicinity of the new vehicular access.
- The linking of any new public highway street lighting with adjacent lighting.
- Condition of existing adjacent public highway street lighting and any need for upgrading or replacement.
- Any proposed development lighting within the site and its justification.
- The environmental impact of any proposed street lighting, be it on the public highway or within private land.
- A timescale for implementation if street lighting is proposed

The development shall be implemented in accordance with the approved Street Lighting Assessment

Reason: To ensure the adequate provision of street lighting in the interests of highway safety.

26. The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

27. (A) The reserved matters application shall not be determined until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) The development shall not be commenced until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

28. The first Reserved Matters application submitted pursuant to Condition 1 shall include the submission of a Market Housing Mix Statement to the Local Planning Authority for its written approval setting out how an appropriate mix of dwelling sizes will be provided in order to contribute to a mixed and balanced communities. The mix will be informed by the latest Strategic Housing

Market Assessment, or other local data available for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement.

Reason: To ensure that an appropriate housing mix is delivered to contribute to the creation of mixed and balanced communities in accordance with Policy SWDP15 of the South Worcestershire Development Plan 2016, Policy NCH3 of the North Claines Neighbourhood Plan 2017, and the NPPF.

29. The Reserved Matters to be submitted pursuant to Conditions 1 and 2 shall generally accord with the parameters for the development as set out on Parameter Plan Drawing Reference 8924_APP003A and shall include no less than 40% of the site as Green Infrastructure.

Reason: To ensure the proposed development through the approval of Reserved Matters generally accords with the principles for the development of the site considered at the outline planning stage and to accord with Policy SWDP 5.

Note – All the above conditions are agreed other than Conditions 7 and 10 where the appellant has no objection to their inclusion, but is of the view that these are in any event already covered by the definition of Reserved Matters.