
Appeal Decision

Site visit made on 2 November 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th November 2017

Appeal Ref: APP/B3030/W/17/3180014

Land off Elston Lane, Elston, Nottinghamshire NG23 5PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Marie Wilson of Geda Construction against the decision of Newark & Sherwood District Council.
 - The application Ref 16/01881/FULM, dated 9 November 2016, was refused by notice dated 8 March 2017.
 - The development proposed is 10 new affordable homes.
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Decision

1. The appeal is allowed and planning permission is granted for 10 new affordable homes at Land off Elston Lane, Elston, Nottinghamshire NG23 5PB in accordance with the terms of the application, Ref 16/01881/FULM, dated 9 November 2016, subject to the following conditions in the attached schedule.

Main Issue

2. The main issues in this case are (i) the effect of the development on the character and appearance of the area, including the setting of Elston Conservation Area (ECA) and (ii) whether there are alternative sites that could meet local affordable housing needs.

Reasons

Background and Policy Context

3. The appeal relates to an agricultural field located in the open countryside on the edge of the village of Elston. The site forms the start of a large and relatively unbroken swathe of generally flat open countryside stretching out from the edge of the village on this side of the road. A number of detached properties of different styles, layouts and ages are located opposite the site. Elston Lane itself is an unpaved country lane which reaches a dead end further to the north west of the site. Apart from serving the few more isolated dwellings located beyond the site, the lane is not open to through traffic.
4. Core Policy 2 (CP2) of the Newark and Sherwood Core Strategy (2011)(CS) allows for the development of rural exception sites for affordable housing where they are within or adjacent to the main built up area of villages. Owing to the dwellings opposite and proximity to the main bulk of the village, I am satisfied that the development would meet the broad locational requirements of this policy. However the support accorded to rural exception sites via Policy

CP2 is not unconditional. The requirements of Spatial Policy 3 (SP3) in terms of scale, need, impact and character must also be met.

5. The Council's decision notice is specific in stating that the application was submitted with evidence to demonstrate that there is an up-to-date affordable housing need in Elston. There appears to be broad agreement between the main parties that the scale of the need is around 13 dwellings based on the most recent surveys. I have also noted the support from the Council's Strategic Housing Business Unit for the development in terms of meeting identified local needs. Comments from some interested parties have disputed the level of need and whether there are not already sufficient affordable dwellings in the village to meet it. However, in lieu of any substantive contradictory evidence or corroboration of these concerns, I consider that the 'need' requirement of Policy SP3 has been met. I shall address matters of impact, scale and character later in the decision.

Character and appearance

6. The development would take the form of a cul-de-sac, with two dwellings facing onto the road either side of a repositioned access, set back behind the existing wide grass verge. The existing post and rail fencing would remain. Four dwellings would be located along the left edge of the site when viewed from the road, with two to the rear and two to the right hand side closest to the edge of the ECA boundary. The development would also provide an area of open space that would include the sustainable drainage (SUDs) measures and the provision of new soft landscaping across the site.
7. The boundary of the ECA lies directly to the east of the site. The Framework states that the setting of a heritage asset is defined as the surroundings in which the asset is experienced. The evidence before me suggests that the significance of the ECA lies in its historic nature and the resulting street pattern and urban form. While I saw some modern development in the village, the age and vernacular of many of its buildings adds to its overtly rural and agricultural character. While much of the built form of the ECA is not visible from the site, it still forms part of an attractive open setting to the edge of the village which helps to reinforce the rural character of the settlement. As such, the site makes a positive contribution to the setting and significance of the ECA.
8. Although it would not be of a high density in its own right, the development would appear to be of a higher density than the cluster of dwellings opposite. Moreover, the cul-de-sac layout would be somewhat uncharacteristic of the more linear form and grain of housing in the vicinity of the site. This, coupled with the distance to the closest dwelling on the northern side of the road, would mean that the development would not integrate seamlessly with the existing built form of the village.
9. The layout would therefore serve to create a somewhat artificial edge to the settlement. This is particularly the case in relation to plots 1-5 which would form a largely unbroken line of development projecting for some distance into the site. The rear elevations and gardens of these dwellings would face out from the village. Notwithstanding the farm track, the presence of the dwellings and the visual effect of the gardens and associated domestic paraphernalia would create a deeper and harder edge to the village than currently exists, particularly when viewed from the west. This would serve to diminish the

contrast and transition between the settlement and open countryside to a certain extent.

10. However, any development on what is at present an open field would result in some change to the appearance of the site and some visual detriment through a built form being placed where there is currently none. Moreover, it is reasonable to assume that the development of many rural exception sites on the edge of settlements would result in some form of encroachment into the countryside.
11. While the layout would not fully reflect that of nearby dwellings, there are other factors that would serve to mitigate and minimise the overall impact of the development. The overall density is not excessive and the dwellings have been designed to reflect the local vernacular, both in terms of style and proposed materials. The individual designs are of a good quality and would not be out of place in this location. Moreover, the different house types within the site would help break up the overall mass of the built form and provide a greater degree of visual interest and variety.
12. Bungalows would be located to the front of the site, and would be set well back from the road behind the grass verge, boundary treatments and new landscaping measures. The two storey dwelling would be located to the rear of the site. This would help to reduce the scale and impact of the development on the street scene. Notwithstanding my comments above, plots 1-3 would also be single storey only, thus serving to reduce the visual impact of this line of dwellings from longer distance views. The provision of soft landscaping across the site would provide a degree of additional mitigation.
13. The mass and density of development nearest to the ECA boundary would also be reduced through the provision of the open space and SUDs measures. While orientated differently to nearby dwellings, and deeper into the site, the lower density and dispersed nature of the development to the right of the access would also better reflect the overall density and character of the village and further reduce the impact of the encroachment into the countryside.
14. The site lies in the South Nottinghamshire Farmlands Character landscape character area within the Elston Village Farmlands. The evidence does not suggest that this is an area of high landscape sensitivity. The overall visibility of the site is relatively limited to passers-by on Elston Lane and by residents living opposite. The topography of the site and nature of development around it would ensure that long distance views of the development would be limited and would mostly be seen in the context of the larger built form of the village. The wider effect on the landscape character would be relatively localised in scale and nature.
15. In conclusion, there would inevitably be some change to the area as a result of the development, though change does not always equate to harm. There are some elements of the proposal which do not entirely reflect the layout and form of development in the village. There would also be some encroachment into the open countryside and a degree of urbanisation of what is currently an open field. However, this would be no greater than what might be expected for any development located on the edge of a settlement. Overall, I consider that the quality and sympathetic nature of the design, the density and internal layout of the development and other mitigation measures including open space and landscaping would ensure that the cul-de-sac layout would not in itself

result in significant or unacceptable harm to the character and appearance of the area or the setting of the ECA.

16. Accordingly, there would be no conflict with CS policies CP2, SP3, Core Policy 9, Core Policy 14 and policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan (ADM) (2013) which seek, amongst other things, to ensure that development reflects the character of existing built form and does not have a detrimental impact on the character or appearance of the area. They also seek to ensure that development affecting the setting of a conservation area secures its protection. The Council's reason for refusal is not specific as to what aspects of the National Planning Policy Framework (the Framework) or Planning Practice Guidance (PPG) the development conflicts with. Nevertheless, I have had regard to those policies relating to design, the location of development in the countryside and protection of heritage assets and have concluded there would be no conflict with either policy or guidance.

Alternative Sites

17. While there appears to be no requirement within Policy CP2 to consider alternative sites, I accept that in considering the site as a rural exception, the potential to meet the needs within the village could be a material factor. There is evidence of a long term need for affordable housing in the village and a search for sites over a considerable period of time. A number of sites appear to have been considered and rejected for various reasons over this period.
18. I accept that some of the reasons given for rejecting certain sites rely to an extent on speculation or local knowledge and that circumstances may have changed on particular sites during the intervening periods between site finding exercises. This does not necessarily mean that the conclusions are invalid. Moreover, the passage of time over which this issue has existed and has been worked on by a variety of groups without being adequately addressed is suggestive of a general lack of availability, viability or some other barrier to sites within the village coming forward.
19. There is also little evidence that the sites in question are being considered for housing development of any kind or that they are being actively promoted through the Council's Strategic Housing Land Availability Assessment (SHLAA) or any other mechanism. There is therefore nothing before me to suggest that these sites, any or other as yet unidentified sites in the village, are suitable, available or viable for the delivery of affordable homes.
20. Even if there were strong interest in developing these sites, there is no guarantee that they would be viable for such development. The Council has accepted that based on up-to-date build costs, the development would have negative viability and is reliant on grant funding. They also accept that sites within the built-up area will inevitably attract higher land values as they are more likely to be developable for market housing. While it is not possible to be definitive about this on each and every site, based on the balance of probability and the viability issues on the appeal site, the evidence is not strong that privately owned sites within the village would be viable to meet affordable housing needs.
21. The Council has identified one particular site which it states may be able to provide up to 5 affordable dwellings and that discussions are currently

underway with another registered provider. This is owned by the Council and may therefore differ from privately owned sites, both in terms of viability and availability. However, there is no indication of any planning application on the site and no scheme has been put to me which demonstrates that it would be capable of providing the number of dwellings suggested. Moreover, in the event that I was to allow the appeal, the Council's site would not meet all of the needs identified. As such, an additional site or sites would still be required to deliver the shortfall. The development before me would not therefore necessarily prejudice the delivery of the site the Council has identified.

22. In the event the appeal is dismissed, there is also nothing before me which gives any indication of how the local authority intends to address affordable housing needs in the village over and above those that might be delivered by their own site. No other Council owned sites capable of being delivered have been identified. Owing to the length of time it has taken for the appeal site and Council land to be identified, I am not convinced that dismissal of the appeal would result in alternative sites coming forward in a reasonable timescale to meet a need that appears to be increasing over time.
23. There are some limitations in the evidence of both parties on this matter. However, there is little before me that provides any comfort that viable alternatives exist that would meet the needs identified or that there is a strategy in place for meeting these needs outside the delivery of rural exception sites. On the balance of probability, I am satisfied that there are no realistic alternatives that could deliver the same benefits as the development. As such, I have given little weight to the Council's concerns in relation to the provision of alternative sites and do not consider that there has been any breach of CS policies CP2 or SP3 which seek to deliver rural exception sites subject to certain restrictions.

Other Matters

24. A signed and dated S106 Agreement has been submitted with the appeal which secures 8 affordable rented dwellings and 2 shared ownership dwellings on the site. The Council has no objection to the tenure mix and I see no reason to come to a different conclusion. This agreement also secures the provision, phasing and management of public open space and SUDs measures. With regard to affordable housing, this is clearly necessary in order to meet local need and to comply with CS Policy CP2. The provision of the open space and SUDs would also be necessary to provide the required drainage strategy and meet the policy requirements for open space provision.
25. I consider that the above obligations are directly related to the development, necessary to make the proposal acceptable in planning terms and reasonably related in scale and kind to the housing proposed. I am also satisfied that the obligations meet the requirements of regulation 123 of the CIL Regulations. They therefore meet the statutory and policy tests and I have taken them into account in my decision.
26. The development would clearly lead to additional vehicular movements in the area, including around the junction between Low Street and Pinfold Lane. However, I saw nothing which suggests this junction is inherently unsafe or that the additional levels of traffic would lead to a significantly greater level of risk. The narrowness of Pinfold Lane and Elston Lane is noted, but volumes of traffic are unlikely to be so significant as to create unacceptable additional risk.

Elston Lane now only serves the dwellings along it and thus it would also be reasonable to assume that drivers, including potential future occupants of the development, would be cognisant of the need to take proper precautions on a 30 mph road in a residential area. This includes risks associated with people accessing or egressing residential drives. There would also be adequate visibility from the access road of the site. Any concerns over construction traffic can be adequately addressed through the imposition of suitable conditions suggested by the Council.

27. It would be reasonable to assume that the likely effects on Pinfold Lane of closing Elston Lane were taken into account when the road closure was considered. I note that the highway authority did not object to the development in terms of general traffic flows or safety. This is an important material consideration and I saw nothing that would lead me to a different conclusion.
28. Elston Lane remains a popular walking route, but with the proposed pavement in place, I see no reason why the development should result in undue risk to pedestrians. Beyond the site's access, there would be no greater level of traffic than there is now. Much of Elston Lane would therefore be unaffected by the development. The pavement can be secured by condition.
29. I recognise that there are few facilities within Elston, and some travel would be required. This is likely to lead to some additional car trips. Nonetheless, the identified need for affordable housing is an important factor. In seeking to meet local needs in villages such as this, there is likely to be some tension with objectives of locating development in the most accessible locations. This is reflected in the relationship between policies CP2 and SP3 and the development meets the broad locational requirements of those policies. It would not necessarily be appropriate or policy compliant to meet identified local needs elsewhere in the district.
30. Paragraph 55 of the Framework also states that development in rural areas should be located where it will enhance or maintain the vitality of rural communities. Notwithstanding the lack of facilities in the village, the development would help to support a strong community by providing housing to meet the needs of the present and future generations. This adds weight to the delivery of affordable housing in this location.
31. The officer report indicates the development would normally be expected to make a financial contribution to facilitate the creation of two additional school places. The report also states that the village primary school is at capacity. However, the Council has accepted the appellant's evidence that a contribution would not be viable and the lack of an education contribution did not form part of the reason for refusal. Considering the small scale of the likely increase in demand for school places, this factor does not carry significant weight against the proposal in this case.
32. Reference has been made to significant developments within 5 miles of the village. I have not been provided with any details of these developments or whether they would meet the specific affordable housing needs of Elston. As such, I cannot conclude that development elsewhere is of any particular relevance or significance to the planning balance to be considered here.

33. I am satisfied that there would be no undue impacts in terms of flooding, drainage or sewerage capacity in the village. The development proposes suitable mitigation measures and I see no reason why the Council's suggested conditions would not be sufficient to ensure the site can be adequately drained. There is nothing to suggest there would be significant risk to either future occupants of the development or those living nearby the site as a result of the development.
34. There would be sufficient separation from existing dwellings to ensure there would be no undue effect on the living conditions of existing residents in terms of privacy, outlook, noise or disturbance. I also see no reason why there should be harmful effects resulting from the development in terms of crime or anti-social behaviour.
35. Concerns have been raised over the potential precedent that might in the event that the appeal is allowed. Given that I have concluded that the proposal would be acceptable, I see no reason why it would lead to harmful development on other sites in the area. In any event, each application and appeal must be judged on its own merits. While reference has been made to the potential for a Neighbourhood Plan, there is nothing before me which indicates any progress on this and as such this is not a factor to which I can give significant weight.
36. While I recognise that the previous use of the site may have provided a welcome local leisure use for local residents, this is no longer in place and there is no guarantee that if I were to dismiss the appeal that it would return. Moreover, there is nothing before me that demonstrates the site represents the only location from which this use could take place. This factor does not therefore carry significant weight in my decision.
37. An Ecology Appraisal has been submitted which does not suggest the presence of protected species, though the retained hedgerow might provide potential for foraging bats, birds and commuting reptiles. The appraisal also suggests measures for protection and enhancements to mitigate the effects of the development, all of which can be required by condition. I have no reason to question the results or recommendations of this appraisal and there is insufficient evidence to suggest planning permission should be withheld on these grounds.
38. There is nothing to suggest that allowing the appeal would result in any significant closing of gaps between Elston and other settlements. While I have also noted reference to the proximity of the A43 and other proposals such as a skate park, I do not consider the cumulative effects would result in significant detrimental impact on the living conditions of residents or the overall character of the village.
39. Some concerns have been raised about the Parish Council's support of the proposal. This is primarily a matter between interested parties and the Parish Council. I have had regard to all letters of support and objection and have come to my conclusion based on all of the evidence before me and my own observations of the site.
40. Taking all other matters into account, I am satisfied that the development meets the requirements of Policy SP3 in relation to the impact and scale of development.

Conclusion

41. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In terms of the environmental impact effects, I have had regard to protecting the intrinsic beauty of the countryside. There would be clearly be some change to the character of the site, but I consider the overall effect of the development to be acceptable.
42. Nonetheless, any change in character would also have to be balanced against the delivery of 10 affordable dwellings in a location where there is evidence of a long term and growing need for affordable housing. I have also had regard to the Framework's aim of boosting significantly the supply of housing, including affordable housing. I have therefore applied substantial weight to the affordable housing provision proposed and the social and economic benefits that would be delivered as a result.
43. There are no other factors that I consider would outweigh the benefits that would be provided. In my view, the development would therefore meet the objectives of the development plan as a whole. Accordingly, in terms of ADM Policy DM12 the proposal would result in a sustainable form of development for which there is a presumption in favour.
44. The appellant has suggested that the Council does not have a five year supply of deliverable housing sites as required by paragraph 47 of the National Planning Policy Framework (the Framework). However, in this case I have found that the proposal would comply with the development plan. As such, with or without a five year supply, my decision would not be altered. In such circumstances, paragraph 14 of the Framework states that permission should be approved without delay. For this reason, and in taking account of all other matters raised, I consider the appeal should be allowed.

Conditions

45. The Council has suggested 24 conditions which I have considered in accordance with the PPG and paragraph 206 of the Framework. I shall address them using the same numbering as the Council for ease. Condition 1 is the standard condition which limits the lifespan of the planning permission. Condition 22 relates to the approved plans and is necessary to provide certainty.
46. Conditions 2, 3 and 4 are necessary in the interests of the living conditions of nearby residents. Conditions 4, 16, 17, 18, 19 and 20 are all necessary in the interests of the character and appearance of the area. I have amended condition 20 to better reflect the PINS model condition in the interests of clarity.
47. The PPG states that conditions restricting the use of permitted development rights should only be imposed in exceptional circumstances. In this case, the site sits on the edge of the settlement in a sensitive location close to a conservation area. I therefore consider that condition 21 is reasonable to ensure the Council can fully consider the effect of any future alterations to the approved dwellings. I have amended the suggested condition to refer to the correct version of the Town and Country Planning (General Permitted Development) Order.

48. Conditions 5 and 6 deal with the disposal of surface water and foul sewerage from the site. Although there is some overlap with the S106 agreement in terms of the management of SUDs, condition 6 refers to the whole drainage package of which SUDs may be just one part. I have amended condition 5 to reflect the PINS model condition in the interests of precision.
49. Conditions 7, 8, 9 and 10 deal with wildlife and biodiversity. Condition 7 is acceptable in principle in that it provides assurances about the protected species, particularly badgers. The suggested wording placed no requirement for any pre-commencement checks to be submitted to the Council or for mitigation measures to be agreed. I do not consider the suggested condition would have been effective in achieving what was intended and thus I have amended it to make it more robust. Condition 8 provides some additional protection for potential wildlife associated with existing hedgerows. Condition 9 is necessary in the interests of the potential effect on foraging bats. This condition also has positive implications for the living conditions of nearby residents. Condition 10 is required in relation to the recommendations of the Ecological Assessment submitted with the application.
50. Condition 11 is necessary in relation to the findings of the appellant's Geophysical Survey and the proximity to other nearby historic features. An archaeological watching brief in this context is justified and reasonable. Conditions 12, 13, 14, 15 deal with the highway aspects of the development and serve to ensure there would be safe access to and within the site and that there would be safe and appropriate pedestrian links from the site.
51. Conditions 3, 4, 6, 7, 9, 10, 11, 19 are by necessity pre-commencement conditions to ensure the development proceeds in accordance with the approved details. In addition to those specifically mentioned above, I have also made minor drafting amendments to a number of conditions in the interests of clarity, precision and consistency. These have not affected the meaning or operation of the conditions.
52. The Council suggested conditions relating to affordable housing the delivery of open space and SUDs on the basis that an executed S106 Agreement was not in place when it submitted its statement. I have not imposed these conditions as they essentially duplicate the provisions of the agreement and are thus unnecessary.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 0730 and 1800 Monday to Friday and 0830 and 1300 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the local planning authority.
- 3) No development shall commence, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and machinery
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate
 - v. Wheel washing facilities
 - vi. Measures to control the emission of dust and dirt during construction
 - vii. A scheme for recycling/disposal of waste resulting from demolition and construction works
- 4) No development shall commence until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 5) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) No works shall commence until a detailed surface water drainage design and management plan has been submitted and approved by the local planning authority. This design and management plan must include or address the following:
 - a. Evidence that the hierarchy of drainage options, infiltration - discharge to watercourse – discharge to sewer has been followed correctly and any decisions made supported by facts.
 - b. Hydraulic calculations must show compliance of the proposed system to current design standards including climate change allowances. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change level of severity. The underground

drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

- c. Details of maintenance regimes for any SUDS along with how these will be managed for the lifetime of the development.
 - d. Details of what elements of the system will be adopted and by whom, including highway drainage, public sewers, SUDS and above and below ground storage assets.
 - e. Flow paths for exceedance flows.
 - f. Any flood resilience measures proposed for new buildings.
- 7) No development shall commence until the submitted Ecology Assessment has been updated to confirm the findings of the previous report in relation to the presence of protected species and a statement outlining measures to minimise risk of harm to animals during construction has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the measures in the approved method statement.
- 8) No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting season (from the beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.
- 9) No development shall commence until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and minimise impacts to foraging bats. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 10) No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full in accordance with the scheme for enhancement to an agreed timescale and shall thereafter be retained for the lifetime of the development.
- 11) No development shall commence until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the local planning authority.

Unless otherwise agreed in writing by the local planning authority, within 3 months of completion of the excavation works, a summary report shall

be submitted to the local planning authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

- 12) No part of the development shall be occupied unless or until the works to provide a vehicular turning area and footway link on Elston Lane as shown indicatively on approved drawing 102-L have been provided to the satisfaction of the local planning authority.
- 13) No part of the development shall be occupied until the private shared surface access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the local planning authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 14) No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.
- 15) No part of the development shall be first brought into use until such time as a footpath shown on drawing L02-L which links the site to existing village has been provided on site in accordance with materials which have first been agreed in writing by the local planning authority. The footpath shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 16) Notwithstanding the materials schedule submitted, development shall not commence until detailed samples of the materials identified below have been submitted to and approved in writing by the local planning authority;
 - facing materials
 - bricks
 - roofing tiles
 - cladding
 - render

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- 17) Notwithstanding the details provided, no development shall commence in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority.
 - external windows including roof windows;
 - doors and their immediate surroundings, including details of glazing and glazing bars;
 - treatment of window and door heads and cills;
 - verges and eaves;

- coping.

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- 18) No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.
- 19) No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - means of enclosure; hard surfacing materials;
 - minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting)
 - proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports)
 - retained historic landscape features and proposals for restoration, where relevant
- 20) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 similar size and species.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

22) Other than as required by conditions 4, 9, 10, 16, 17, 18, 19, the development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Site layout 102 L;
- Site Location Plan 001-A;
- Site Location Within Village Context Plan 002-A;
- Proposed Street Elevation, Drawing No. 210-B;
- Plots 1, 2 & 3 Plans and Elevations, 220-A;
- Plots 6 & 7 Plans and Elevations, 221-B;
- Plots 8 & 9 Plans and Elevations 222-B;
- Plot 10 – Plans and Elevations 223-A;
- Plots 4 & 5 – Plans and Elevations 224-A;
- Materials Schedule submitted 20th February 2017;
- Proposed External Works Drainage GA Plan, D396_100_P14.