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## Appeal Decision

Hearing Held on 14 November 2017

Site visit made on 14 November 2017

**by Mike Fox BA (Hons) DipTP MRTPI**

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

**Decision date: 28<sup>th</sup> November 2017.**

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**Appeal Ref: APP/W1715/W/17/3177224**

**Land to the rear of 120-128 Pitmore Road, Allbrook, Eastleigh, Hampshire, SO50 4LT**

- 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 Willton Homes Ltd against the decision of Eastleigh Borough Council.
  - The application Ref F/16/79112, dated 24 August 2016, was refused by notice dated 6 December 2016.
  - The development proposed is the construction of eight houses and garages with parking and access (with revised boundary treatment details) following the demolition of the existing dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of eight houses and garages with parking and access (with revised boundary treatment details) following the demolition of the existing dwelling at land to the rear of 120-128 Pitmore Road, Allbrook, Eastleigh, Hampshire, SO50 4LT in accordance with the terms of the application Ref F/16/79112, dated 24 August 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. At the Hearing, I was presented with a partially signed Unilateral Undertaking under the provisions of the Section 106 of the above Act<sup>1</sup>. On receipt of this document, I set a deadline for the remaining signature to be included, and a fully signed and dated undertaking was submitted within the deadline period<sup>2</sup>. The document includes financial contributions towards sustainable integrated transport, community infrastructure, the provision of playing field/off-site open space works and wildlife conservation. I return to this matter later.
3. The Council also undertook to send me a note to justify its requirements for financial contributions under section 106 of the above Act, and this was submitted within the deadline I set at the Hearing<sup>3</sup>.
4. In determining the appeal, I have taken into account the Statement of Common Ground (SCG) that has been agreed by the Appellant and the Local

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<sup>1</sup> Hearing Document 7.

<sup>2</sup> Hearing Document 8.

<sup>3</sup> Hearing Document 10.

Planning Authority. This is a helpful document which states both the areas of agreement and also those aspects which are still an issue between the main parties.

5. The SCG identifies the following areas where it is considered the proposals are satisfactory: the principle of development on the appeal site, which falls within the defined 'urban edge' within the adopted development plan; with the exception of the western boundary treatment, all elements of the proposed development comply with the adopted development plan policies that seek to protect the character of the area; the proposal will have no unacceptable adverse impact on the living condition of any neighbouring home; the access and parking arrangements are acceptable; the proposal will have a compatible relationship with trees to be retained and protected on and adjacent to the site, and with the exception of bats, the Local Planning Authority's earlier concerns about the impact of the development on wildlife and the adjacent Lincolns Copse SINC (ancient woodland) have been dealt with; and that the development is incapable, in viability terms, of making a contribution to the delivery of affordable homes.
6. The Appellant submitted late drawings and photographs illustrating changes to the proposed western (rear) boundary treatment of the appeal site, together with a covering letter, which was circulated at the Hearing. Although it had been submitted to the Planning Inspectorate a few days earlier, all the third parties at the Hearing stated that had not previously seen this submission and in view of the importance of this submission, I allowed an additional week for comments on the proposed changes to the western (rear) boundary treatment to be submitted from all parties. The Hearing was formally closed on 22 November 2017, following receipt of the fully signed Unilateral Undertaking and written responses to the proposed changes to the western boundary treatment.
7. The planning policy background is unusual inasmuch as the emerging Borough Local Plan 2011-2019 was found to be unsound at the examination in view of its housing provision, but it has not been withdrawn and therefore remains a material consideration, albeit with limited weight that can be attributed to it. However, its policies in relation to design and wildlife considerations in my view, reflect national policy as expressed in *the Framework*<sup>4</sup>. I have therefore considered the appeal proposal in the light of the relevant policies in this Plan.

## **Main Issue**

8. The existence of at least a five years' housing supply within the local planning authority is no longer an issue between the main parties. The Council has also accepted in its appeal statement that it is satisfied that the Appellant's additional survey data has demonstrated that the Lincolns Copse site is highly unlikely to have either permanent or seasonal Barbastelle Bat roosts within the woodland, with low numbers of bats using the woodland edge for seasonal foraging, and that the protection of these species can be achieved through prevention of access and disturbance to the woodland and through an appropriate lighting scheme. Finally, the Council has indicated that its requirements for development contributions are met in the submitted Unilateral Undertaking, and that this reason for refusal is no longer being pursued. I have no robust evidence before me to challenge the Council's stance on any of these issues.

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<sup>4</sup> DCLG: National Planning Policy Framework (*the Framework*); March 2012.

9. This reduces the main issue between the principal parties to the effect of the proposed western (rear) boundary treatment, as amended through the JPS submission<sup>5</sup>, on the character and appearance of the area.

## Reasons

10. The appeal site comprises the western parts of the long rear gardens of nos. 120 and 126-128 Pitmore Road, and the entire plot of no 124, including the existing dwelling, which would be demolished to enable vehicular access for the proposed development. The southern part of the site also wraps behind the rear gardens of nos. 118 and 120a. Pitmore Road in the vicinity of the appeal site is an established, low-density, well landscaped residential road with detached houses characteristically standing in long gardens. An ancient woodland, known as Lincolns Copse, borders the site to the west, and this boundary forms the defined urban edge in the Local Plan; on this basis the main parties agree that development within this area is acceptable in principle. The back gardens slope upwards and westwards from the existing dwellings to the Copse.
11. My attention was drawn to a nearby development, secured on appeal, which is known as Winter's Place<sup>6</sup>, located just to the north of the appeal site. This scheme comprises a small cluster of detached dwellings and it extends back to occupy land within the defined urban edge, to approximately the same line in relation to the Copse as the appeal site. Like the appeal site, Winter's Place was formerly part of the back gardens of properties fronting onto Pitmore Road (nos. 132-138), and these properties now form a second tier of development back from Pitmore Road, close to the appeal site. This recently completed development is clearly visible from the appeal site and whilst each appeal must be determined on its individual merits, there are nevertheless, strong similarities between the Winter's Place development and the appeal proposal.
12. There are also significant differences between the two schemes. The appeal proposal would occupy a considerably larger area, within a significantly more extensive western rear boundary with the Copse, about three times the length of the equivalent boundary at Winter's Place. An application for the development of eight dwellings on the appeal site was dismissed at appeal in April 2016<sup>7</sup>, and the main issues related to character and appearance, ecology, impact on protected trees and the need for planning obligations. The only remaining issue, common to both appeals, is the effect of the proposal on the character and appearance of the area in relation to the treatment of the western boundary.
13. The Council's principal concern, which was shared by the 2016 appeal Inspector, is that the Appellant (also Willton Homes), in seeking to respond to the need to create a permanent and effective barrier to prevent human access into the ancient woodland, proposed a 1.8m high brick wall, which would extend over a considerable distance and constitute a prominent and abrupt urbanising feature.

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<sup>5</sup> Hearing Document 3.

<sup>6</sup> Appeal ref: APP/W1715/A/08/2080560: 136 Pitmore Road and land to the rear of 132 and 136 Pitmore Road, for the erection of 4 dwellings, car parking and associated works; 22 December 2008 (Hearing Document 4).

<sup>7</sup> Appeal Ref: APP/W1715/W/15/3084355, on the appeal site, for the erection of 8 dwelling houses and garages with parking and access; demolition of existing dwelling; dismissed 20 April 2016.

14. This appeal turns on whether the proposed western boundary treatment, as amended, would on the one hand be effective in preventing pedestrian access from the proposed development into the Copse, as the previous proposal was adjudged to have done, whilst at the same time not having an adverse impact on the character and appearance of the area.
15. The Council, in its appeal statement, quotes the previous appeal decision, which states (in paragraph 9) *"for the avoidance of doubt, it is important to state that I consider a brick wall is necessary to ensure that there is no unacceptable impact on the Lincolns Copse SINC"*. The Council's statement (paragraph 10.1.3) goes on to argue: *"This puts the Appellant in an unenviably difficult dilemma, and one which the Council would strongly argue cannot be left to a planning condition. On the one hand the Appellant needs to provide a solid structure along the whole length of the western boundary to safeguard an area of Ancient Woodland which is designated a SINC, but the provision of such a structure is agreed by both the Council and the previous Inspector to be out of character and harmful to the area and contrary to both Local Plan policies and the National Planning Policy Framework"*.
16. Mindful of this dilemma, the Appellant proposes to retain the wall, whilst introducing a number of elements to soften its impact and which would also occupy a greater footprint. In brief, the amended boundary treatment would incorporate timber cladding on the brick wall, so that the impact of brick on its own would be softened; it would include a 2m wide strip which would be planted up, for example with hedging comprising resilient species including hawthorn, blackthorn and holly; and this landscaped area would be protected and maintained by a management company which would operate in perpetuity through a covenant with the occupiers of the scheme.
17. The photographic evidence provided by the Appellant demonstrates to me that the impact of the original brick wall, which was submitted with the earlier appeal application, would be softened. In my view, the previous drawings for an urban barrier would be transformed into proposals for a rural boundary, which would be pleasing to the eye, and which would not look out of place in relation to the ancient woodland. From studying the drawings, plans and photographs of similar schemes submitted by the Appellant, it is my view that the proposed boundary treatment would be only faintly discernible from the existing woodland backdrop. Moreover, the views from the public domain through to the edge of Lincolns Copse are limited to gaps between the existing houses along Pitmore Road.
18. The Council, in responding to the Appellant's revised boundary treatment plans<sup>8</sup>, has expressed a number of concerns, which can be summarised as: firstly, these proposed changes have not been subject to a high level of public scrutiny; secondly, the proposed solution is 'engineered' and as such is incongruous and abrupt; and thirdly, the reduction in the length of the rear gardens of the proposed dwellings along the western boundary of the site by 2m is unacceptable in relation to the 'suburban, leafy' context of the site and in the light of its Quality Places SPD.
19. The Council, however, at the same time has acknowledged that its Landscape Architect has reviewed the proposals, and I therefore assume that if he/she had made any adverse comments, they would have been raised in the Council's

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<sup>8</sup> Hearing Document 11.

response. I have given time for other specialists to respond, and at the Hearing, the Council did not request additional time for this to happen over and above the deadline which I set at the Hearing after sounding out views as to whether this amount of time was reasonable. The local residents, who are the ones who are most directly affected by the proposals, have also had the opportunity to comment, and several comments have been submitted from this source.

20. It is clear that the garden sizes in the appeal scheme are not small and they are comparable with the sizes of the gardens in the nearby Winter's Place development. In addition, the proposed development includes a comprehensive landscaping scheme, including generous tree planting, which in my view would be compatible with the leafy suburban context which the Council refers to.
21. The Council also accepts that in landscape design terms, the proposed screen along the western boundary would be effective. I agree, and I also consider that the latest proposals would not be incongruous or abrupt. In terms of its effectiveness in keeping out human access whilst allowing small rodents and other similar-sized creatures to travel through gaps in the base of the wall, the Council's ecologists have already acknowledged this part of the solution to be robust and acceptable in wildlife terms, and these elements of the scheme have been incorporated into the latest proposals.
22. It was claimed by several residents at the Hearing that there is currently unrestricted and unauthorised access from some of the existing bordering properties by people and dogs into the ancient woodland from the appeal site. If this is the case, the appeal proposal represents a real opportunity to 'close off' any existing potentially harmful access and bring about real improvements for the long term ecology of Lincolns Copse.
23. The Council also refers to the need for an effective management strategy to ensure that the screen remains effective in the long term. The Appellant has proposed this and it can be secured by condition. There was also agreement between the main parties that the proposed boundary treatment has been designed to avoid harmful impact on existing tree roots. Some third party representations express doubt as to the effectiveness of such a management strategy, and point to recent examples of unauthorised access into the ancient woodland for humans and domestic animals. The condition has been phrased to enable effective enforcement through the management strategy, with the support of the Council as local planning authority.
24. Several residents, both at the Hearing and in written response to the Appellant's late submission, consider that the proposed amended boundary treatment would nevertheless have a harmful impact on the visual setting, as seen from the backs of existing properties on Pitmore Road. They also consider that the demolition of the bungalow at no. 122 would open up more of what they allege would be a visual intrusion to a beautiful woodland setting. The new access road, following demolition of the bungalow, would open up views of the site from the public domain, but direct views of the western boundary would still be limited, partly by the row of proposed dwellings towards the western edge of the site, and also by several existing mature trees which are to remain. I also do not agree with the view that the beautiful woodland setting would be compromised by the proposed boundary treatment.

25. Taking account of all the above considerations, I conclude that the proposed treatment of the western boundary of the scheme would not adversely affect the character and appearance of the area, whilst it would effectively protect the integrity of Lincolns Copse immediately to the west of the appeal site. I therefore consider that the proposal would not be contrary to the aims of *the Framework*<sup>9</sup> to conserve and enhance the natural environment. The proposal would also not be contrary to the relevant policies in the latest version of the Local Plan, and in particular policies DM9 (Nature conservation) and DM23 (General development criteria).

#### *Unilateral Undertaking*

26. Following discussion at the Hearing, the Council submitted a note<sup>10</sup> which aims to justify the financial contributions sought in relation to the appeal proposal. This note examines the costs, programming and relevance of each of the main elements of the contributions included in the undertaking, namely community infrastructure; public open space; local green space; wildlife sites; play provision; and sustainable integrated transport (bus subsidisation, bus infrastructure; and highway traffic management measures).
27. I am satisfied from reading the Council's comprehensive and well-reasoned note that the contributions sought comply with the criteria set out in paragraph 204 of *the Framework* and paragraphs 122 and 123 of Community Infrastructure Levy Regulations (2010).

#### **Other considerations**

28. Several residents and the Parish Council wrote letters objecting to the proposal. In addition to the main issue and wildlife matters, which I have already addressed, several other grounds of objection were raised.

#### *Highway access, parking provision and other transport related impacts*

29. Concerns were expressed that the village of Allbrook could not take any more development, in relation to highway safety and increased traffic. Some residents objected to the alignment of the proposed vehicular access and alleged that the proposed development would exacerbate the existing parking pressures in Pitmore Road, especially as the Council is planning to introduce on-street parking restrictions in the near future. The Council's Head of Transportation and Engineering, however, has raised no objection in relation to any highway element of the scheme in terms of parking, highway access or internal layout and I see no reason to come to a different view.

#### *Living conditions*

30. Concern was expressed that the proposal would lead to a danger of houses in multiple occupation; this, however, can be controlled by condition. The separation distances of the proposed dwellings are sufficiently great to ensure that there would be no material loss of privacy for existing neighbouring residential occupiers or for future occupiers of the proposed development. Concerns were expressed that there would be pressure to fell or severely cut back the trees in the ancient woodland which would overshadow the back gardens of the westernmost of the proposed dwellings. The Council has not

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<sup>9</sup> Section 11: Conserving and enhancing the natural environment.

<sup>10</sup> Hearing Document 10.



raised tree protection as an issue, and it has the powers to ensure that trees are protected; this is also secured by condition.

#### *Flooding and drainage considerations*

31. Although concerns were raised over flood risk, Southern Water has indicated that it has no objection in principle to the proposed development, subject to an appropriate condition to address sustainable drainage aspects.

#### *Construction noise*

32. Clearly there will be disruption when the appeal site turns into a building site for a period of time. However, a detailed condition making provision for a Construction Method Statement has been suggested by the Council which places strict controls on aspects such as ways of working and hours of operation. The Council as development management authority has powers which can be exercised through this condition, to effectively address unreasonable behaviour during the construction period.

#### *Other matters*

33. The loss of house values is outside the remit of the appeal, as is the loss of private views. There are no plans linked to this appeal which would result in the loss of any of the trees in Lincolns Copse. Although Winter's Place has similarities with the appeal development, I have made this decision entirely on the merits of the scheme before me; likewise, this permission should not serve to act as a precedent for the determination of any future development proposals in this area, should they occur.

### **Conditions**

34. I have considered the list of conditions suggested by the Council, which was broadly in line with the Appellant's comments at the Hearing. Following discussion at the Hearing, the Council submitted an amended list<sup>11</sup>, which complies with paragraph 206 of *the Framework*. I have therefore used this as the basis for my conditions.
35. Conditions (1) and (2) are standard conditions. Condition (3) is to safeguard the character and appearance of the area. Conditions (4)-(10) all address ecological mitigation, including treatment of the western boundary. Conditions (11) and (12) are to protect the living conditions of neighbouring residential occupiers and (11) also addresses ecological mitigation. Condition (13) is to ensure the parking and other supporting infrastructure is available for residents of each unit from the time of first occupation. Conditions (14) and (15) are to minimise the risk from land contamination. Condition (16) is in the interests of visual amenity tree protection. Condition (17) is in the interests of highway safety. Conditions (18) – (21) are to protect the living conditions of existing neighbouring residential occupiers and future occupiers of the proposed development, and for ecological mitigation.

### **Conclusion**

36. The previous appeal decision dismissed the proposal on the two main grounds of environmental harm, namely harm to protected bat species, and harm to the character and appearance of the area. I agree with the Council that the

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<sup>11</sup> Hearing Document 9.

subsequent ecological work carried out by the Appellant and appraised by the Council's ecologists, has demonstrated that the protection of bats and other species can be achieved through effective prevention of access and disturbance and that the Appellant's revised boundary treatment has now achieved this.

37. This effectively leaves one main issue which divides the main parties, which is the effect of the proposal on the character and appearance of the area. There is also agreement between the main parties, that the focus of disagreement between the main parties in relation to this main issue is the treatment of the western (rear) boundary of the proposed development.
38. I have found, based on the Appellant's revised submission, that the proposed boundary treatment would retain its effectiveness in preventing access and disturbance to the ancient woodland, whilst at the same time, through a combination of timber cladding, additional hedge planting and the inclusion of a dedicated landscaped strip alongside the barrier, to be managed permanently to secure its effectiveness and condition, would ensure that the proposal would not harm the character and appearance of the area, and thus not be contrary to national policy or the development plan.
39. For the reasons given above and having regard to all other matters raised, and subject to the conditions and unilateral undertaking discussed above, I conclude that the appeal should be allowed.

*Mike Fox*

INSPECTOR



<p><b>APPEARANCES</b></p> <p>FOR THE APPELLANT: Mr Ken Parke Mr Alistair Baxter</p> <p>FOR THE LOCAL PLANNING AUTHORITY: Mr Andrew Amery</p> <p>INTERESTED PERSONS: Mrs Valerie Richardson Mrs Nikki Callaghan Mr Windell Callaghan Mrs Jane Small Ms Lorraine Barter Mr Mike DelaMare Mr Richard Daniels Mr Eric Newman Mr David Betts</p>	<p>Ken Clarke Planning Consultants Aspect Ecology</p> <p>Eastleigh Borough Council</p> <p>Resident Resident Resident Resident Resident Resident Resident Resident Resident and representative of Allbrook and North Boyatt Parish Council</p>
<p><b>DOCUMENTS</b></p> <ol style="list-style-type: none"> <li>1. Suggested conditions.</li> <li>2. Photographs showing landscaped boundary treatment, Bournemouth.</li> <li>3. Revised western (rear) boundary treatment of the appeal site.</li> <li>4. Appeal Decision Ref: APP/W1715/A/08/2080560; 136 Pitmore Road and land to the rear of 132 and 136 Pitmore Road, Allbrook, Eastleigh, SO50 4LT.</li> <li>5. Phase 2 Ecology Survey Report, September 2016.</li> <li>6. Attendance List.</li> <li>7. Partly signed Unilateral Undertaking, dated 13 November 2017.</li> <li>8. Fully signed Unilateral Undertaking, dated 20 November 2017.</li> <li>9. Final suggested conditions, received 15 November 2011.</li> <li>10. Section 106 Justification for Appeal APP/W1715/W/17/3177224.</li> <li>11. Comments on the Appellant's proposed boundary treatment plans, drawings by JPS Landscape Design, Revision 4.</li> <li>12. Comments on proposed wall, land to rear of 120-128 Pitmore Road, dated 19 November 2017.</li> <li>13. Comments on land to rear of 120-</li> </ol>	<p>Eastleigh Borough Council Ken Parke Planning Consultants</p> <p>JPS Landscape Design on behalf of the Appellant Eastleigh Borough Council Eastleigh Borough Council</p> <p>Aspect Ecology on behalf of the Appellant.</p> <p>Land owners of appeal site</p> <p>Land owners of appeal site</p> <p>Eastleigh Borough Council</p> <p>Eastleigh Borough Council</p> <p>Eastleigh Borough Council</p> <p>Lorraine Barter</p> <p>Richard Daniels</p>

<p>128 Pitmore Road, dated 22 November 2017</p> <p>14. Comments on Appeal Ref. APP/W1715/W/17/3177224.</p> <p>15. Comments on Appeal Ref. APP/W1715/W/17/3177224, dated 21 November 2017.</p> <p>16. Comments on Appeal Ref. APP/W1715/W/17/3177224.</p> <p>17. Comments on Appeal Ref. APP/W1715/W/17/3177224, dated 19 and 22 November 2017.</p>	<p>Mr and Mrs Callaghan</p> <p>Mariane Temperley</p> <p>Peter and Valerie Richardson</p> <p>Lorraine Barter</p>
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## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of the boundary treatment to be installed along the western (rear) boundary and where referred to in the text below as requiring additional information, the development shall be implemented in accordance with the following reports and plans numbered: 2669-P-Rev C; 2669-P-101; 2669-P-103; 2669-P-104 Rev A; 2669-P-105; 2669-P1-01; 2669-P1-02; 2669-P1-03; 2669-P1-04; 2669-P2-01; 2669-P2-02; 2669-P2-03; 2669-P3-01; 2669-P3-02; 2669-P3-03; 2669-P3-04; 2669-P4-6 8-01; 2669-P4 6 8-02; 2669-P4 6 8-03; 2669-P5 7-01; 2669-P5 7-02; 2669-P5 7-03; and 3597.
- 3) The materials to be used in the construction of the external surfaces of the dwellings hereby approved, including all buildings, road surfaces and access paths, shall be agreed in writing by the local planning authority and shall be implemented and thereafter maintained in accordance with the approved details.
- 4) The boundary treatment for the western boundary of the site shall be undertaken in accordance with the details submitted by JPS Landscape Design on 8 November 2017 prior to any works, including clearance works being undertaken on the site. The approved boundary treatment shall then be installed prior to the occupation of any of the dwellings hereby approved.
- 5) Prior to first occupation of any of the dwellings hereby approved, a long-term monitoring and management plan for the approved boundary treatment comprising the western boundary as shown on drawing No. LANDP001 Rev 02, dated 07/11/2017 from JPS Landscape design shall be submitted to and agreed in writing by the local planning authority, and the boundary treatment shall be planted and otherwise implemented in accordance with the approved monitoring and management plan. The strategy of the approved plan shall include measures to prevent the spread of self-generating exotic tree species into the SINC/Ancient Woodland in

addition to restricting the potential for access by domestic animals, future residents and activities such as tipping which could adversely affect the ecological integrity of the woodland. The management of the site shall continue throughout the life of the development and be subject to review every 5 years to take into account changes in on-site circumstances and external factors such as climate change, storm damage and ageing trees. The reviews shall include requirements for additional planting with appropriate species and good woodland management practice such as coppicing and removal of deadwood.

- 6) Full details of how the ecological mitigation measures and biodiversity enhancement recommended at 7.0, 7.1.1, 7.1.2 and 8.0-8.1.7 of the Aspect ecology Report, dated June 2017, including measures shown on Drawing No. 4628/MIT Rev B, dated May 2017 (as required to be updated to respond to the revised western boundary treatment shown on Drawing No. LANDP001 Rev 02, dated 07.11.2017 from JPS Landscape Design) shall be submitted to and agreed in writing prior to commencement of development. The development shall then be undertaken in accordance with the approved details.
- 7) No external lighting shall be fitted to any elevation of the buildings or within the site without full details of the lighting, including location, luminescence and the fitting of measures to ensure the level of light emitted does not impact upon the use of the woodland edge by protected species such as bats and that the amenity of nearby residents to the east of the site is protected. Any lighting should be designed so as to ensure the source of light is not directly visible to those residents.
- 8) The development hereby approved shall be undertaken in accordance with the principles established in the Arboricultural Impact Assessment undertaken by Mark Hinsley Arboricultural Consultants Ltd dated 27 Feb 2015. Prior to any works commencing, an updated report, taking into account the time period that has elapsed and amendments proposed to the western boundary, shall be submitted to and approved in writing by the Local Planning Authority. Tree removal shall be strictly limited to those trees identified to be felled in the recommendation section of the Tree Survey Schedule of the updated Arboricultural Impact Assessment and the trees shall not be felled during the bird breeding season (beginning of March to end of June). Those trees shown to be retained on a Tree Removal and Retention Plan in the updated Arboricultural Impact Assessment shall be protected in accordance with details to be provided and agreed in that document. The tree protection measures shall be put in place prior to development commencing and retained until completion of development unless otherwise agreed in writing with the Local Planning Authority. No work shall commence until the Council's tree officer has inspected and approved in writing the installed tree protection. Once approved, no access by vehicles or placement of goods, chemicals, fuels, soil, plant, equipment or other materials shall enter, be placed, stored or otherwise deposited within the fenced off area. On completion of the works, the protective fencing shall not be removed until the Local Planning Authority has received and approved a written arboricultural report confirming the post construction health and condition of the retained trees and any additional mitigation required as a result of construction related impacts on the health of the retained trees.

- 9) No development shall take place until full details of the soft landscaping works for the site, other than the area covered by the western boundary treatment, shall be undertaken in accordance with a Landscape Design Statement and Management Plan to be submitted to and agreed in writing with the Local Planning Authority prior to any works commencing on the site. The document shall include a planting plan; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species; plant sizes; and proposed numbers and densities together with an implementation programme. The management plan shall include details of the long term management of the new landscape planting of not less than 10 years which shall be undertaken in accordance with the approved Landscape Design statement.
- 10) 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 dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of 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, unless the local planning authority gives written approval to any variation.
- 11) The construction phase of development, including site clearance, shall be undertaken in accordance with a Construction Method Statement, to include the following details to be submitted and approved in writing by the local planning authority prior to development commencing:
- Details of wheel wash facilities including measures to prevent surface water run-off beyond the defined wheel wash area.
  - Details of the site compound and welfare area.
  - Details of an articulated lorry turning area to be provided prior to commencement of construction of the individual units and thereafter retained and kept free of obstruction to enable vehicles to turn on site at all times.
  - Details of the waste management plan.
  - Measures to be put in place to minimise dust.
  - A scheme for controlling noise and vibration from construction activities including piling.
  - Details of the positions and acoustic mitigation measures for any generators required to be provided during the construction phase.
  - Details of any temporary lighting to be provided during the construction period including siting, height and luminance. Any temporary lighting required during the construction phase shall only be turned on during the approved hours of construction.
  - Site wide measures to control water run-off during construction.
- 12) No unit hereby approved shall be occupied until such time as the garages and parking spaces and other service facilities for that unit, including bin stores, cycle stores, vehicle turning areas, garden boundary treatments and access paths, have been fully provided in accordance with the approved plans. The garages and parking spaces shall be retained at all times for residents parking.

- 13) In the event that previously unidentified contamination is found when carrying out the approved development it must be immediately reported to the Environmental Health Unit. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the Local Planning Authority. Where a remediation scheme is required, the development shall not be brought into use until a completion certificate for the remediation work has been submitted to and approved in writing by the Local Planning Authority.
- 14) In the event that previously unidentified contamination is found when carrying out the approved development it must be immediately reported to the Environmental Health Unit. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme, has been submitted to and approved in writing by the Local Planning Authority. Where a remediation scheme is required, the development shall not be brought into use until a completion certificate for the remediation work has been submitted to and approved in writing by the Local Planning Authority.
- 15) Any excavated material shall not be reused, unless certified to be free from chemical contamination. (Note to Applicant: British standard BS 10175:2001 Investigation of potentially contaminated site-Code of Practice is a useful source of advice on site investigation. Further information and advice about developing contaminated land can be found on the Council's website or by contacting the Council's Environmental Health Team).
- 16) Details of any retaining structures required across the site requiring a height greater than 300mm above finished ground levels, or that require ground intrusive works within the tree protection zones of trees shown to be retained shall be submitted to and agreed in writing with the Local Planning Authority prior to them being implemented on site.
- 17) The dwellings hereby permitted shall not be occupied until a means of vehicular access, including any crossing of the footway and verge, has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority.
- 18) None of the dwellings hereby approved shall be occupied until works for the disposal of foul and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority before development commences.
- 19) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking, re-enacting or modifying that Order) no development permitted by Classes A, B, E or F of Part 1 of Schedule 2 of that Order and Class A of Part of Schedule 2 of that Order shall be carried out without the prior written consent of the local planning authority.
- 20) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order) the dwellings hereby approved shall only be occupied as C3 Dwelling houses.

- 21) No development shall take place until a scheme of works detailing the extent and location of any piling proposed has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.