The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2018

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 18

Appeal Ref: APP/J1860/W/17/3177254
Land south of Morningside, Tenbury Wells, Worcestershire WR15 8EW

- 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 Stonewater against the decision of Malvern Hills District Council.
- The application Ref 16/00502/FUL, dated 18 March 2016 was refused by notice dated 16 May 2017.
- The development proposed is described as 'Construction of 48 dwellings including access and landscaping'.

This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 5th April 2018

Decision

1. The appeal is allowed and planning permission is granted for construction of 48 dwellings including access and landscaping at Land south of Morningside, Tenbury Wells, Worcestershire WR15 8EW in accordance with the terms of the application, Ref 16/00502/FUL, dated 18 March 2016, subject to the 34 conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Stonewater against Malvern Hills District Council. This application is the subject of a separate decision.

Preliminary matter

3. A planning obligation for the provision of affordable housing and off-site open space provision was submitted during the appeal under section 106 of the Town and Country Planning Act 1990. The obligation seeks to address the issues identified in the Council's reason for refusal No. 3, which are not subject to Community Infrastructure Levy (CIL)[1] charges. I deal with the contents of this below.

4. Whilst it is common ground that the appeal site is located outside, but adjacent, to the development boundary of Tenbury Wells and is thus to be treated as open countryside for planning purposes, at the time the appeal was

[1] The Malvern Hills CIL Charging Schedule came into effect on Monday 5th June 2017.

submitted the site benefited from an outline planning permission granted on appeal for up to 33 dwellings[2]. However, during the course of the appeal the permission lapsed and is therefore no longer extant. As such, the fall-back position advanced by the appellant can no longer be implemented and therefore cannot be afforded any weight.

Main issues

5. The main issues in the appeal are:

   (i) the effect of the proposal on character and appearance of the area, with particular regard to density and layout; and

   (ii) the effect of the proposal on living conditions with particular regard to parking; and

   (iii) whether there are any other material considerations which would justify the development being determined other than in accordance with the development plan.

Reasons

6. The appeal site comprises agricultural land which previously formed part of land which extended from Morningside to Oldwood Road to the north. To the south east of the application site is an existing development, known locally as Tenbury View. The two sites are separated by a brook which runs in a south-west to north-east direction. The application site is a steeply sloping site with the land rising in a north westerly direction. Therefore the appeal site is bounded on three sides by residential development. It is proposed to develop the site to provide 48 dwellings with 19 of those being affordable housing. The vehicle access would be from Oldwood Road through the Tenbury View development.

Planning policy

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The South Worcestershire Development Plan is the development plan for the appeal site and the surrounding area.

8. Policy SWDP 2 sets out the development strategy and settlement hierarchy for the District, it seeks to direct new development to the most sustainable locations and restricts development in the countryside. Tenbury Wells is a third tier settlement with a defined boundary, which acts as a local service centre to the community providing facilities and employment opportunities. Policy SWDP 4 seeks amongst other things to ensure that development minimises the demand for travel and offers sustainable travel choices. Policy SWDP 7 seeks amongst other things to ensure that development provides or contributes towards the provision of infrastructure needed to support it.

[2] APP/J1860/A/14/2223735

9. Policy SWDP 21 seeks amongst other things to ensure that development is of a high design quality that integrates with its surroundings. Policy SWDP 25 seeks to ensure that development is appropriate to, and integrates with, the character of the landscape setting. Policy SWDP 39 sets out the standards for the provision for green space and outdoor community uses in new development. Policy SWDP 62 states that planning obligations through Section 106 agreements will be sought to provide funding to mitigate negative impacts relating to specific developments.

10. The appeal site is located outside, but adjacent, to the development boundary of Tenbury Wells and therefore the proposed development would be in the open countryside for planning purposes. Therefore the proposal would be in conflict with Policy SWDP 2 of the South Worcestershire Development Plan.

Character and appearance

11. The appeal site would be visible to occupiers of the Tenbury View development. However, it is not prominent in wider public views; the steep bank adjacent Morningside limits views of the site until it nears Bog Lane, where part of the site can be seen. The site is more visible from Oldwood Road when travelling in the direction of Leominster; however, the views from the northern part of the road are restricted by trees, and further south, the built form of the development known as Tenbury View significantly reduces the extent to which the appeal site can be seen from the A4112.

12. The proposed design and layout of the proposed development would be at a greater density than the surrounding established development that is located on Morningside and Berrington Road, due to the generally smaller plot sizes. However, the proposed scheme would result in an approximate density of 33 dwellings per hectare[3]. Ensuring that the layout and design of the scheme would be broadly similar to the recently constructed Tenbury View development that adjoins the appeal site. As such, the development would make the most effective and efficient use of the land.

13. With regard to the proposed layout, I consider that the scheme is well designed and includes on-site public open space with good natural surveillance. Moreover, the incorporation of public and private space on frontages would create a generally spacious and positive environment for future occupiers. This is further reinforced by each dwelling having appropriately sized and useable private garden space that ensures reasonable separation and spacing between the dwellings. Overall, this would result in a scheme that is designed with well-defined and connected streets and spaces that would integrate positively with the character and quality of the local area taking into account the site topography. Therefore I conclude that the proposal would not appear cramped or overdeveloped and would therefore integrate positively with its surroundings.

14. Having reached the above conclusions the proposed layout and design of the development would not result in harm to the character and appearance of the area. The proposal would therefore be consistent with Policies SWDP 5, SWDP

[3] Council Planning Committee Report

21 and SWDP 25 of the South Worcestershire Development Plan. These seek amongst other things to ensure that development is of a high design quality that integrates with its surroundings and that on-site green space is provided.

Parking provision

15. The Council have argued that the proposal would have insufficient levels of off-street parking, resulting in unacceptable levels of on-street parking, harmful to the way the area functions and detrimental to the amenity of future residents and visitors to the development. However, it is clear based on the evidence before me that the parking provision for the development would be consistent with the requirements of the Worcestershire County Council Interim Parking Standards. Whilst, I note the Council's concern in relation to garages and carports not being used for the parking of vehicles, this would be adequately addressed through the imposition of conditions ensuring that spaces equipped with electric vehicle charging points are retained solely for the parking of vehicles. Consequently, there would be adequate off-street parking to serve the development ensuring that there would be no adverse impact on the living conditions of future occupiers.

16. Having reached the above conclusions the proposed off-street parking provision would be adequate to meet the needs of the development and therefore would not result in material harm to highway safety or the living conditions of future occupiers. Consequently, it follows that the proposal would be consistent with Policy SWDP21 of the South Worcestershire Development Plan that seeks amongst other things to ensure that there is satisfactory access and provision for the parking, servicing and manoeuvring of vehicles.

Other material considerations

17. The Council is able to demonstrate a 5-year land supply of deliverable housing sites as required by the National Planning Policy Framework (the Framework). Therefore, under these circumstances, the decision-taking criterion contained in paragraph 14 of the Framework is not engaged. That said, it is also a fundamental aim of the Government's approach to boost significantly the supply of housing in order to assist in the delivery of a wide choice of high quality homes. The proposed 48 homes would make a significant contribution to the supply of housing in Malvern Hills. Particularly given that housing from the appeal site is identified as a component part of the Council's 5-year land supply figure[4]. Consequently, this would be a significant benefit derived from the proposal.

18. The development would deliver 19 affordable dwellings on-site; this would amount to an affordable housing provision of approximately 39.5%, marginally below the policy target of 40% (Policy SWDP 15). However, this would be significantly higher than the affordable housing delivery figure of 29.1%[5] in the

[4] Malvern Hills District Council Five Year Housing Land Supply Report 2017

[5] Appendix 12: Forthcoming South Worcestershire Authorities' Monitoring Report 2016/2017 – Affordable Housing Delivery Extract 1

South Worcestershire Council's area between 2006/7 and 2016/7. Moreover, the 19 affordable dwellings would make a significant contribution to meeting the local housing need identified by the Council's Housing Officer using information from Home Choice Plus. This identifies 58 households are registered with Malvern Hills District Council, including 18 households with a local connection to Tenbury Wells who have a preference for being rehoused in the area. Therefore, I afford significant weight to the delivery of both market and affordable housing from the appeal site that would make a substantial contribution to the housing requirements of Malvern Hills. Furthermore, in reaching this conclusion there would be no conflict with Policies SWDP 14 and SWDP 16 of the South Worcestershire Development Plan.

Planning obligations

19. The appellant has submitted a Unilateral Undertaking pursuant to Section 106 of the Act, providing planning obligations in relation to affordable housing and off-site open space provision to offset the effect of the proposed development. The Council has been given the opportunity to comment on the Unilateral Undertaking and has subsequently confirmed that it believes there are technical difficulties concerning the Undertaking in relation to the allocation and quantum of affordable housing and the provision of management arrangements. I have therefore considered them against the tests in Regulation 122 of the CIL Regulations 2010 and the Framework.

20. The first obligation deals with the provision of affordable housing. This sets out the definitions by type and allocation arrangements of the affordable housing, including the local connection criteria linked to the Home Choice Plus register administered by the Council. As such the obligation allows the Council to have adequate control over the allocation of the affordable units ensuring that local housing need could be met. Furthermore, based on the evidence before me I do not consider in this site specific circumstance that it is necessary to require clauses within the Undertaking that require the approval of the Council in relation to the provision of a management company or the levy of a service charge. Therefore the obligation is consistent with the requirements of Policy SWDP 15 of the South Worcestershire Development Plan and would be consistent with the detailed guidance as set out in the South Worcestershire Council's Affordable Housing Supplementary Planning Document.

21. The second obligation deals with off-site open space provision. The Council has identified a need for a contribution towards the children's play at the Burgage to meet the needs of the proposed development. Moreover, the provision of a contribution towards off-site open space provision is reasonably related in scale and kind to the needs generated by the proposed development and is consistent with the requirements of Policy SWDP 39 of the South Worcestershire Development Plan.

22. I therefore consider that the obligations meet the necessary tests in law and I have taken account of them in reaching my decision.

Other considerations

23. There was local concern raised in relation to the potential effect of the proposed development on the safety of the local road network in Tenbury

Wells. However, based on all of the evidence before me and the observations during my site visits, I am satisfied that any increase in traffic from the proposed development would not result in severe harm to highway safety. Furthermore, the turning facilities within the proposed development would be adequate for emergency and refuse vehicles to access and service the site. This is consistent with the conclusions of the Highways Authority who raised no objection in relation to highway safety subject to conditions relating to access, parking, pedestrian crossing and visibility splays including details of construction phasing. I have therefore applied the following conditions (22, 25, 26, and 27) to address these matters.

24. Additionally, local residents have expressed concern in relation to flooding. Whilst I have no reason to doubt the issues raised there was no technical evidence before me other than that from the Council. I have therefore applied the conditions consistent with their technical findings in relation to drainage and flooding (Conditions 4, 5, 6, 7, 15 and 18).

25. Further concerns were raised with regard to the social integration of the occupiers of the proposed new homes and that they would have limited employment opportunities in Tenbury Wells. However, in relation to social integration the planning obligation sets out local connection criteria for the affordable housing, this would aid and support integration, by ensuring that families can establish homes in an area where they have local connections. Furthermore, there is no substantive evidence before me that demonstrates that future occupiers of the development would not have access to employment opportunities in and around the Tenbury Wells area.

26. It has been argued by an interested party that the appeal proposal has failed to assess the requirements of Policy SWDP 27 with regard to the practicability and viability of a decentralised energy and heating network. However, there is no conflict with the policy as it would only apply in relation to large scale (100 or more dwellings)[6] residential development.

27. Additionally local residents raised concern about potential noise and disturbance during construction from the development. However, this is a matter that could be reasonably mitigated during the construction phase by the imposition of construction management conditions (Conditions 20 and 21).

28. Finally, I have carefully considered the concerns of interested parties in relation to the capacity of local services and facilities to accommodate further development in Tenbury Wells (Schools/Medical Facilities). However, no technical or substantive evidence was presented on this matter that demonstrated a fundamental or material shortfall in the provision of services and facilities.

29. The Council have referred to the judgement in East Staffordshire BC v Secretary of State for Communities and Local Government and Barwood Strategic Land [2016 EWHC 2973]. However, there is no conflict between this judgement and the approach taken in this decision. I fully accept that the SWDP can demonstrate sustainable development, its policies are up-to-date

[6] South Worcestershire Development Plan – Page 156 Footnote 61

and the fourth bullet point in paragraph 14 is not therefore engaged. However, the overriding material planning consideration is the delivery of housing in particular the 19 affordable homes, which in this case is of sufficient weight to justify the grant of planning permission despite the conflict with Policy SWDP 2 of the development plan. There is also an absence of any further material harm.

Conditions

30. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. I have amended their wording where required, or have combined or separated others, in the interests of clarity. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord and require the submission of levels (Conditions 1, 2 and 9).

31. In the interests of minimising the environmental effects of travel it is necessary to impose conditions in relation to the provision of cycle parking, electric vehicle charging points, high speed broadband and a travel plan (Conditions 17, 23, 24 and 30). To minimise the effects of pollution and carbon emissions it is necessary to apply conditions requiring the installation of low emission boilers and micro generation initiatives (Conditions 19 and 31).

32. To minimise the risk to biodiversity it is necessary to apply a condition in relation to habitat enhancement (Condition 16). It is necessary in the interests of amenity to ensure that there is adequate protection for the trees/hedgerows on site during construction (Conditions 10 and 11). It is necessary in the interests of rural amenity and biodiversity to impose conditions in relation to external lighting (Conditions 28 and 33). In the interests of heritage it is necessary to apply a condition requiring a programme of archaeological investigation (Condition 8).

33. In the interests of the character and appearance of the development and the wider area it is necessary to apply conditions in relation to materials, boundary treatments and landscaping (Conditions 3, 12, 13, and 14). In the interests of the living conditions of future occupiers of the development it is necessary to apply conditions in relation to obscure glazing to bathrooms and waste management/storage provision (Conditions 32 and 34). It is necessary for permitted development rights relating to the creation of new windows and openings to be removed to enable the Council to assess any future development with regard to the character and appearance of the development (Condition 29).

Planning balance and conclusion

34. I have found that the proposed development would be contrary to Policy SWDP 2 of the development plan by way of introducing residential development into the open countryside. In addition, as explained above, in this case the parking provision, layout and design are neutral factors. Balanced against this is the contribution to the supply of housing of 48 new homes with 19 of those affordable, this weighs significantly in favour of the proposal.

35. Taking everything into account including all other material considerations, I conclude that the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the South Worcestershire Development Plan as a whole.

36. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Schedule – Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:-

    - Floor Plan and Roof Plan Plots 1 & 2 – 15024/5 @Scale: 1:100 - received 21/03/2016
    - Elevation Plots 1 & 2 – 15024/24 @ Scale: 1:100 - received 21/03/2016
    - Floor Plan and Roof Plan Plots 3 & 4 and 9 & 10 – 15024/6 @Scale: 1:100 – received 21/03/2016
    - Elevations Plots 3 & 4 – 15024/25 @Scale: 1:100 - received 21/03/2016
    - Elevations Plots 9 & 10 – 15024/27 @Scale: 1:100 - received 21/03/2016
    - First and Ground Floor Plan Plots 5 - 8 – 15024/7 @Scale: 1:100 - received 21/03/2016
    - Elevations Plots 5 - 8 – 15024/26 @Scale: 1:100 - received 21/03/2016
    - Floor Plan and Roof Plan Plots 11 & 12 – 15024/8 @Scale: 1:100 - received 21/03/2016
    - Elevations Plots 11 & 12 - 15024 28 @Scale: 1:100 - received 21/03/2016
    - First and Ground Floor Plan Plots 21 & 22 – 15024/12 @Scale: 1:100 - received 21/03/2016
    - Elevations Plots 21 & 22 – 15024/32 - @Scale: 1:100 - received 21/03/2016
    - Amended Location Plan 15024/1B @Scale: 1:1250 - received 27/05/2016
    - Amended Elevations Plots 13-16 - 15024/29A @Scale: 1:100 – received 28/10/2016
    - Amended Floor Plans Plots 13-16 - 15024/9A @Scale: 1:100 – received 28/10/2016

- Amended Elevations Plots 17-18 - 15024/30A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 17-18, 39-40 - 15024/10A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 39-40 - 15024/38A rec'd @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 23-24 - 15024/33A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 23-24 - 15024/13A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 25-26, 37-38 - 15024/34A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 25-26, 37-38 - 15024/14A rec'd 28.10.16 Scale: 1:100
- Amended Elevations Plots 27-30 - 15024/35A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 27-30 - 15024/15A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 31-32 - 15024/36A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 31-32 - 15024/16A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 33-36 - 15024/37A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 33-36 - 15024/17A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 41-42 - 15024/39A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans Plots 41-42 - 15024/18A @Scale: 1:100 – received 28/10/2016
- Amended Elevations Plots 47-48 - 15024/41A @Scale: 1:100 – received 28/10/2016
- Amended Floor Plans and Roof Plan Plots 19 and 20 - 15024/11A @Scale 1:100 – received 28/03/2016
- Amended Elevations 19 and 20-15024/31A @Scale 1:100 – received 28/03/2016
- Amended Elevations Plots 43 - 46- 15024/40B@Scale 1:100 – received 28/03/2016
- Amended Floor Plans Plots 43-46 - 15024/19B@Scale 1:100 – received 28/03/2016
- Amended Floor Plans & Roof Plan Plots 47 & 48 - 15024/20B@Scale 1:100 – 28/03/2016
- Amended Site Plan – 15024/4C @Scale 1:250 – received 28/03/2017
- Amended Road Setting Out Plan - S-16-069 - 100 - P2 – received 28/03/2017
- Amended Road Surfacing Plan - S-16-069 - 101 - P2 – received 28/03/2017
- Amended Bridging Unit Plan - S-16-069 - 102 - P2 – received 28/03/2017
- Amended Drainage Plan - S-16-069 - 103 - P1 – received 28/03/2017

- Amended External Works Details - S-16-069 - 110 - P2 – received 28/03/2017
- Amended Drainage Details - S-16-069 - 111 - P1 -– received 28/03/2017
- Amended Bridging Unit Details S-16-069 - 120 - P2 - Bridging Unit Details – received 28/03/2017
- Amended Longitudinal Section Through Road S-16-069 - 121 - P1 – received 28/03/2017
- Construction Method Statement – Rev C – received 18/04/2017

3. Prior to the commencement of development samples and trade descriptions of the external facing and roofing materials to be used in the construction of the development hereby permitted including window heads and cills, porches and garaging, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail.

4. No development shall commence until detailed design drawings for the surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The detailed design shall include the attenuation pond, swale. Thereafter the development shall be carried out in accordance with the approved details and no dwellings shall be first occupied until the bund has been completed and the surface water drainage system and flood improvement works are fully operational.

5. The development hereby permitted shall not commence until drainage plans for the disposal of foul water flows have been submitted to and approved by the Local Planning Authority, and the scheme so approved shall be implemented in accordance with the approved details before any dwelling is first occupied.

6. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100+30% event has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of POS. Flow routes through gardens and other areas in private ownership will not be permitted. The approved details shall be implemented in full prior to the first occupation of the development.

7. No dwellings or apartments shall be first occupied until a surface water drainage system management and maintenance plan which will include details of future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full for the lifetime of the development.

8. No development shall take place until a programme of archaeological investigation, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

   a) The programme and methodology of site investigation and recording.
   b) The programme for post investigation assessment.
   c) Provision to be made for analysis of the site investigation and recording.
   d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
   e) Provision to be made for archive deposition of the analysis and records of the site investigation.
   f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

   The development shall not be occupied 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.

9. Prior to the commencement of the development a detailed plan showing the levels of the existing site, the proposed slab levels of the dwelling(s) approved and a datum point outside of the site and a construction method statement for any ground works and changes of levels/ construction of all ground retaining features in the vicinity of retained trees and hedgerows, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

10. No site clearance, excavations or building operations of any type shall commence until a protective fence (of at least 2 metres in height and in all other respects in accordance with BS 5837 (2012) Trees in Relation to Design, Demolition and Construction and previously approved in writing by the Local Planning Authority), has been erected around the trees and hedgerows to be retained within the site and around those trees and hedges outside the site or along the site boundaries, whose Root Protection Areas (RPA) (as defined in BS 5837 (2012)) fall within the site, at the outer limit (or beyond) of the their RPA or in a position agreed in writing by the Local Planning Authority. This tree protective fencing shall remain in place until all construction and associated ground-works have been completed.

11. No materials shall be stored, temporary buildings erected or ground levels altered within the Root Protection Area (RPA) (as defined in BS 5837 (2012) Trees in Relation to Design, Demolition and Construction) of any tree retained on site or of any tree beyond the site perimeter whose RPA lies within the site, unless agreed in writing by the Local Planning Authority.

12. Notwithstanding the details submitted with the application, prior to the commencement of any new landscaping of the development including the

green infrastructure area, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed and details of the phased implementation of the proposed landscaping scheme. The approved scheme shall be carried out concurrently with the development and be completed within one calendar year of the substantial completion of the last dwelling to be constructed.

If within a period of five years from the date of the planting of any tree planted pursuant to this condition that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

13. Notwithstanding the submitted details no boundary treatments shall be erected until details of the boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. These details shall include a plan detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition and appearance of boundary treatment throughout the site. The approved boundary treatment shall be erected before the development is first brought into use and thereafter retained in that form, notwithstanding the provisions of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification). The boundary treatments shall include the external site boundaries, the treatment of plot frontages and boundaries between plots.

14. No more than 15 of the dwellings hereby approved shall be first occupied until the green infrastructure/ public open space/ SuDS has been laid out in accordance with the landscaping scheme approved under condition no. 12 and is available for use by occupiers of the development.

15. A Green Infrastructure, SuDS and Biodiversity management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for all green infrastructure, SuDS and biodversity areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling or apartment hereby approved. The management and maintenance plan shall be implemented and the maintenance schedules adhered to as approved for the lifetime of the development.

16. Prior to the commencement of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including bat and bird boxes and holes at ground level in boundary walls and fences for hedgehogs to pass through, shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in

accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.

17. Prior to the first occupation of any of the dwellings or apartments hereby approved, details of proposed utilities connections to facilitate super-fast broadband connectivity including fibre optic rather than copper cabling where practicable shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

18. Prior to the commencement of development, details of sustainability measures to reduce potable water usage and to recycle rainwater, to be incorporated into the design of the development hereby approved to reduce energy costs to the occupier shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented concurrently with the development and retained thereafter.

19. Prior to the commencement of development a scheme to demonstrate on site micro–generation to meet at least 10% of the households predicted energy requirements from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements shall be submitted to and approved in writing by the Local Planning Authority. If photovoltaic roof panels are proposed a plan shall be submitted showing the location of these on the roofs of the buildings. The development shall be carried out in accordance with the approved details and retained hereafter.

20. A Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include the following:-

    a) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
    b) Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
    c) Details of boundary hoardings behind visibility zones

    The measures set out in the approved Plan shall be carried out 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.

21. Ground works/construction work and related collections and deliveries shall not take place outside the following hours: Monday to Friday 07.30-18.00 hrs, Saturday 08.00-13.00 hrs, there shall be no such work on Sundays or Public Holidays.

22. None of the dwellings hereby approved shall be first occupied until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced to base course, drained and otherwise constructed in accordance with details to be submitted to and approved in writing to the Local Planning Authority. The submitted details shall also

include details of the timing of the laying of the final wearing course. The development shall be carried out in accordance with the approved details and these areas shall thereafter be retained and kept available for those uses at all times.

23. Prior to the first occupation of any dwelling hereby approved secure parking for bicycles to comply with the Council's standards shall be provided within the curtilage of the dwelling and/or apartment building and these facilities shall thereafter be retained for the parking of cycles only.

24. The dwellings and apartments hereby permitted shall not be first occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority that promotes sustainable forms of access to the site. The approved travel plan shall be implemented in accordance with the approved details.

25. The public footpath and cycle path link to Morningside shall not be first brought into use until the visibility splays shown on the approved plans have been provided. The splays shall at all times be maintained free of obstruction exceeding a height of 0.6m above adjacent carriageway level.

26. No part of the development hereby approved shall be first occupied until the roadworks, to include carriageways, footways, verges, stream crossing and drainage necessary to provide access to that part from the nearest publically maintained highway have been provided.

27. Prior to the commencement of work details of the pedestrian crossing giving pedestrian access to the Tenbury View site, as shown on plan 15024/2H submitted to and approved in writing by the Local Planning Authority. Details shall include sections, elevations and engineering details at a scale of 1:20 and once approved these details shall be implemented prior to the occupation of the dwellings hereby approved.

28. The development hereby approved shall not include any street lighting within the publicly maintained highway.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no new windows or other openings shall be made in the external elevations (including roofs) of the buildings hereby approved.

30. Appropriate cabling and an outside electrical socket must be supplied for the dwellings on plots 6, 7, 14, 15, 18, 24, 28, 29, 32, 34, 35, 39, 42, 44 & 45 to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For developments with unallocated parking i.e. flats/apartments 1 EV charging point per building (as a minimum) should be provided and be operational before the respective dwelling or apartment building is first occupied. The charging points must comply with BS7671. The socket shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

31. Details shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development for the installation

of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to first occupation in the case of each dwelling. The boilers shall be retained thereafter unless they need to be replaced in which case the replacement boiler shall be of the same specification or have a lower NOx emission output.

32. Details of satisfactory provision for the storage of refuse and recycling within each plot shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of any of the dwellings or apartments hereby approved. The approved details shall be implemented prior to the occupation of the respective dwelling or apartment hereby approved and retained thereafter.

33. Prior to the installation of any external lighting on the development hereby approved, a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and no other external lighting shall be erected.

34. Prior to the first occupation of any dwellings to which this permission applies and at all times thereafter the window(s) lighting bathrooms and en-suite bathrooms as shown on the approved plans shall be fitted with Pilkington Level 4 obscured glazing or equivalent and retained as such thereafter.