



Appeal Decision

Inquiry held on 26-29 June, 3-5 July 2018

Site visit made on 5 July 2018

by Christina Downes BSc DipTP MRTPI

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

Decision date: 23rd July 2018

Appeal Ref: APP/P0119/W/17/3179643

Land north of Wotton Road, Charfield, Gloucestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Barratt Homes (Bristol Division) Ltd against South Gloucestershire Council.
 - The application Ref PT16/6924/O is dated 22 December 2016.
 - The development proposed is up to 121 dwellings, retail unit (Class A1), open space, ecological mitigation land and associated works with access from Wotton Road.
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DECISION

1. The appeal is allowed and planning permission is granted for up to 121 dwellings, retail unit (Class A1), open space, ecological mitigation land and associated works with access from Wotton Road on Land north of Wotton Road, Charfield in accordance with the terms of the application, Ref PT16/6924/O and dated 22 December 2016, subject to the conditions on the schedule at the end of this decision.

PROCEDURAL MATTERS

2. The application was made in outline form with access the only matter to be considered at this stage. There were a number of illustrative plans, including a Masterplan. It was made clear that the proposed development would be built broadly in accordance with this drawing. This has evolved over time and, for the avoidance of doubt, the relevant drawing number is 0609-1002 Rev C.
3. The inquiry was due to commence on 13 March 2018. However, shortly beforehand there was a major incident at the venue and the council was unable to find an alternative at short notice. The event was therefore postponed until 26 June. Whilst this was inconvenient for everyone it did allow the main parties to continue discussing the proposal and narrow the areas of dispute.
4. By the time the inquiry began the council had withdrawn a number of its putative reasons for refusal. These related to landscape, heritage and highway issues and most of the ecology concerns. During the course of the inquiry the council's remaining ecological objection about the buffer adjacent to the eastern site boundary was also resolved, subject to the imposition of a planning condition. The draft Planning Obligation by Agreement (the S106 Agreement) addressed affordable housing provision, open space and highway works, amongst other things. The putative reasons for refusal were further

revised and reduced but an objection on the grounds of prematurity was added following the submission of the Joint Spatial Plan (JSP) for examination on 13 April 2018.

5. The appellant also had discussions with Network Rail about the safety of the unmanned railway crossing close to the appeal site. By the time the inquiry opened Network Rail had withdrawn its objection, subject to a financial contribution to mitigate risk. In the statement of common ground on planning matters the council and appellant agreed that the planning obligation relating to this contribution would comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. As a consequence various parts of the Appellant's transport evidence were withdrawn and Network Rail's justification for mitigation at the crossing point remained as unchallenged evidence¹.
6. At the close of the inquiry the S106 Agreement and the Planning Obligation by Unilateral Undertaking (the UU), which deals with the railway crossing, had not been completed. I was also concerned about the wording of one of the covenants in the UU. I therefore allowed a further short period of time for executed and certified copies of the relevant legal documents to be submitted.
7. The council made a request to the Secretary of State for the appeal to be recovered. After due consideration this request was declined on 6 July 2018.

REASONS

Preliminary matter: the approach to decision making

8. There is no dispute that the council is not able to demonstrate a 5 year supply of deliverable housing sites. The main parties did not agree the extent of the shortfall or the method by which the supply of housing land should be calculated. The council's position is that there is a supply of about 4.6 years and the Appellant believes this to be around 3.5 years. However, although written evidence on the matter was submitted by both parties they decided that it would not be beneficial to spend inquiry time scrutinising the dispute. Accordingly I am unable to reach any robust conclusion about the size of the deficit other than that it is somewhere between 817 and 3,912 dwellings.
9. I agree with the main parties that even 817 dwellings is a significant shortfall and that paragraph 49 of the National Planning Policy Framework (the Framework) is engaged. This means that relevant policies for the supply of housing should not be considered up-to-date. In such circumstances the context for decision taking is set out in paragraph 14 of the Framework and the presumption in favour of sustainable development. However, in this case the presumption is given statutory significance by virtue of policy CS4A in the South Gloucestershire Local Plan Core Strategy (CS).
10. There is no dispute that there would be a degree of harm to Poolfield Farm, which is a Grade II listed building and thus a designated heritage asset. This would be of a less than substantial nature and paragraph 134 of the Framework is thus engaged. Paragraph 134 is considered to be a restrictive

¹ Mr Baker, the Appellant's transport witness did not agree that the mitigation was necessary. However, this position was contrary to the statement of common ground that was signed by the Appellant's planning witness. Following concern expressed by the council's barrister that the transport evidence was seeking to go behind the agreed position, the Appellant withdrew the sections in Mr Baker's evidence that questioned the need for mitigation as detailed in Document 25.

policy for the purposes of policy CS4A. The correct approach, confirmed by the Courts, is that it is only if the harm to the significance of the heritage asset is outweighed by the public benefits that the decision maker should return to the tilted balance and determine the proposal in accordance with the presumption in favour of sustainable development.

Issue one: whether the proposed development would be in accordance with the spatial strategy in the development plan

11. The development plan includes the CS, adopted in 2013 and the Policies Sites and Places Plan (PSP Plan) adopted in November 2017. The appeal site is outside the currently defined settlement boundary of Charfield, which at this point runs along the southern side of Wotton Road. Policy CS5 in the CS provides the locational strategy whereby the majority of new development is directed to the north and east fringes of the Bristol urban area and the towns of Yate, Chipping Sodbury and Thornbury.
12. In the rural areas policy CS5 envisages development coming forward through Neighbourhood Plans and within the settlement boundaries. Whilst a Neighbourhood Plan is to be drawn up for Charfield this is at present at a nascent stage. Amongst other things, policy CS34 seeks to protect boundaries around rural settlements, the landscape and best and most versatile agricultural land. Policy PSP40 in the PSP Plan indicates that residential development within the countryside will only be acceptable in limited circumstances, none of which apply in this case.
13. The appeal proposal would conflict with the aforementioned policies and thus with the spatial strategy in the development plan. The weight to be attributed to this conflict, having regard to the fact that these are policies that restrict the supply of housing, is a matter to which I return in the planning balance.

Issue two: whether the proposal would be premature and undermine the plan making process by pre-determining decisions about the scale and location of development in Charfield.

14. Although prematurity was not initially raised as an issue it was central to the council's case at the inquiry. It was clear that its objections related to the draft JSP, which has now been submitted for examination. There was no allegation of prematurity in respect of the new Local Plan for South Gloucestershire, which is still at a very early stage of preparation.
15. The JSP will provide the strategic development context for the West of England between 2016 and 2036. It is being drawn up by Bath and North East Somerset Council, Bristol City Council, North Somerset Council and South Gloucestershire Council. I was told that it was the first such plan of its kind and thus something of a trailblazer. It was clear from those who took part in the inquiry on the council's side that there is a great deal of enthusiasm and pride in the progress of the document thus far. There was great concern that speculative developments could derail the process and compromise what the plan is seeking to achieve.
16. Draft policy 2 sets out the spatial strategy, which includes 12 Strategic Development Locations (SDL) where major housing development is envisaged. It is made clear that these are not allocations and the Key Diagram only shows the broad locations. Detailed boundaries would be a matter for subsequent

local plans. Draft policy 5 applies the place shaping principles applicable to all SDLs in order to achieve high quality sustainable places. Draft policy 7 establishes a set of bespoke requirements for each SDL. Charfield is one of 5 SDLs in South Gloucestershire and its bespoke requirements are established in draft policy 7.9. The proposal is for around 1,200 new dwellings and this growth would more than double the size of the existing settlement.

17. There have been objections to the proposed SDLs, including the one at Charfield. There have also been objections to the bespoke requirements, including those in draft policy 7.9. The Examining Inspectors have commented that for a strategic level plan the bespoke requirements for the SDLs include detail that is commonly seen in a local plan in association with a housing allocation. Whilst they did not say that the JSP approach was untenable they pointed out that the requirements would have to be subject to detailed scrutiny during the examination process to ensure that they are justified and effective as formal plan policy. For all these reasons there is no guarantee that there will be a SDL at Charfield or that its bespoke requirements will not be subject to modification and change.
18. In Annex 1 to the Framework, paragraph 216 establishes that weight may be given to relevant policies in an emerging plan in accordance with three factors. The first is the stage of preparation of the emerging plan. The second is the extent of unresolved objections. The third is the consistency with Framework policy. In this case the draft JSP has been submitted for examination but there are unresolved objections, including to the policies relevant to this appeal. In accordance with paragraph 216 the parties therefore agreed that the JSP could only be given limited weight at the present time.
19. The Planning Practice Guidance (PG) supports and provides useful clarity on the practical application of policy in the Framework as is made clear in the *Planning Update Newsletter* of March 2014. Indeed the advice on prematurity contains embedded links to that policy document. The first sentence refers specifically to Annex 1 and the weight to be given to policies in emerging plans, which is established in paragraph 216. Furthermore, its advice is given within the context of the presumption in favour of sustainable development as set out in the Framework.
20. The PG explains that prematurity can justify a refusal of planning permission by virtue of the "tilted balance". It indicates two situations when such justification could exist. The first relates to predetermination and the second to the plan being at an advanced stage. Both must apply. Whilst they are not exclusive, no other situations were put forward of relevance in this case.

Whether the draft JSP is at an advanced stage

21. There is no definition in the Framework or PG as to what constitutes "advanced". The PG states that this is unlikely to be before the plan has been submitted for examination but it does not say that submission is necessarily the trigger point. This will depend on the individual circumstances and it seems to me that the nature of unresolved objections will be a factor that will be highly relevant.
22. It is acknowledged that once objections to relevant policies have been fully resolved the prematurity argument would have little purpose. In the last stages before adoption a plan would not yet have statutory status but it would be a

material consideration of very great weight in the determination of development proposals. However, in this case that stage is a considerable way off. There is no doubt that the plan has passed some important milestones and is now in a form that the council believes to be sound. However, there are many hurdles yet to overcome.

23. Indeed the council agreed that the timetable for the JSP has slipped by about a year due, amongst other things, to the need for further Sustainability Appraisal and Habitat Regulations Assessment following the *People Over Wind* judgement by the Court of Justice of the European Union². It is unlikely to be adopted before late 2019. The Examining Inspectors have raised a number of points as referred to above. They have yet to undertake the hearings, consider the oral and written evidence and decide whether to recommend modifications to make the plan sound. Even then, the main modifications would need to be advertised and there may be a requirement for more hearings or evidence following receipt of the consultation responses. It has already been noted that this is a spatial plan that is something of a trailblazer and it is reasonable to surmise that its route towards adoption will not necessarily be as straightforward as a single authority local plan.
24. Bearing all of this in mind, and as a matter of judgement, I conclude that, for the purposes of this appeal, the JSP has not yet reached an advanced stage.

Predetermination and prejudice

25. The proposed SDL for Charfield would result in a large number of new houses and the village would more than double in size. Whilst it has some facilities and infrastructure, these would be insufficient to support the envisaged growth. Draft policy 7.9 sets out in detail the requirements that the council believes would be needed in order to bring about the necessary step-change for delivery of a sustainable expanded settlement.
26. There are 8 strategic principles and infrastructure requirements that the policy requires to be met. It seems to me that policy 7.9 and these bespoke principles are central to the emerging JSP in terms of setting the framework for subsequent decisions about the distribution of land uses and land allocations. The council suggested that the appeal site would be suitable for a range of community uses and facilities. These include a new railway station and car park; a large retail convenience store; a GP surgery; a 3 form entry primary school; and specialist housing, such as for the elderly. However, it is clear that all of these uses could not be accommodated and that some would have to go elsewhere. Such decisions will be made in the new Local Plan and not the JSP.
27. The council referred to the concept diagram, which shows a number of potential development areas around the village, including the appeal site. It includes a yellow circle for new facilities and this covers the southern part of the appeal site but also the Memorial Hall and its car park and residential areas as well. However, it was made clear that the concept diagram, which is not included in the emerging JSP, is intended as a visual aid and starting point to stimulate discussion with stakeholders and the local community. In the

² People over Wind, *Peter Sweetman v Coillte Teoranta* ECLI:EU:C:2018:244

circumstances I give it little weight in terms of my consideration of prematurity.

28. The first part of the draft policy requires that separate land parcels are developed in a co-ordinated manner to ensure Charfield becomes a more sustainable settlement. Bloor Homes control about 15 ha of land to the north-east of the village and Commercial Estates Group control some 68 ha of land to the south and south-west. Both developers are currently entering into Planning Performance Agreements with the council. The Appellant has clearly also had meetings with the council but has decided to bring forward its land in advance of the emerging JSP process. In respect of the development of the appeal site there would not therefore be the co-ordinated approach sought.
29. The council envisages Wotton Road as the centre of the expanded settlement. The appeal site is the only remaining greenfield land parcel and draft policy 7.9 expects its future role and function, along with existing retail and community assets, to be reviewed in consultation with the local community. The appeal proposal would establish the use of the site and this would prejudice the conversation about how land in the centre could be used most efficiently to maximise the sustainability of the expanded village. In this respect decisions about the scale and location of new development would be predetermined because the future of the greenfield land parcel would be decided by the Appellant and not by the local community.
30. Draft policy 7.9 seeks to replace the existing primary school with a new 3 form entry school in a central location or as part of a larger school for primary and secondary pupils at Buckover Garden Village. The existing school is on a constrained site to the west of the appeal site and it seems unlikely that there would be sufficient room for the necessary expansion. The appeal site would be an option although it was clear that the Local Education Authority had not yet considered its suitability for a primary school. I note that the latest proposal for the CEG land includes a primary school, although this is only shown as a 2 form entry. This site is not central to the village at the moment but it would become more so once the expansion has taken place. Even though there are clearly alternatives, the appeal development would constrain the choices available for the local community to consider in terms of provision of primary education.
31. Draft policy 7.9 makes provision for around 1,200 dwellings and if planning permission were granted for the appeal proposal it would determine where up to 121 dwellings would go. However, the allocations are a matter for the Local Plan and not the JSP. Whether or not there are other sites that could accommodate this scale of development is not therefore the point. The appeal proposal would include 35% affordable housing, which is in accordance with draft policy 3 in the JSP. The proposed split between social rent and shared ownership would meet affordable housing needs. It is acknowledged that the proportion of 3-4 bedroom social rented units would be slightly higher than required in the 2015 Strategic Housing Market Assessment. However, the evidence indicates that the difference between provision of and need for such units is relatively small. It is hard to see how the affordable housing proposal would predetermine affordable housing provision in Charfield.
32. The proposal would include a shop, which would be of sufficient size to meet existing retail needs. However, the evidence suggests that further provision would be required to meet the requirements of the expanded community. One

way this could be done would be to provide a larger site where a phased increase in floorspace could take place as the population grows in size to support it. Clearly the current appeal proposal would prevent consideration of such an option on the appeal site.

33. At the moment in places such as Charfield a developer pays the “rural rate” of CIL, which reflects that the development plan does not anticipate significant housing in rural areas. The council has not suggested that the appeal proposal would make insufficient contribution towards the infrastructure needed to support it. Its objection is that it would avoid paying its fair share towards the infrastructure needed to support the expanded settlement. This is an inevitable consequence of bringing the site forwards at this stage.
34. However, the financial contribution that developments within the SDL will be required to pay will not be established through the JSP. There is likely to be a new CIL regime and this will of course be subject to independent scrutiny. There may also be site specific developer contributions towards particular projects and these would be established through the new Local Plan and individual allocations. There is no reason why the infrastructure provision envisaged in draft policy 7.9 for the expanded settlement should be prejudiced by the early delivery of the appeal site.
35. The re-opening of the railway station would significantly add to the accessibility credentials of Charfield. It has been a long held objective of the council and the existing site is safeguarded in the development plan. Policy PSP14 in the PSP Plan is very recently adopted and the supporting text considers it as the most appropriate location in terms of configuration and accessibility. It is noted that consultants have been appointed to look at alternatives for both the station and its car park. From this work the appeal site was favoured as a possible alternative to be taken forward. Again, the appeal proposal would remove the chance for the community to consider this further as an option although the final location of the station is not a matter intended to be resolved through the JSP. Draft policy 7.9 goes no further than referring to the re-opening of the station.
36. Reference is made to a comprehensive environmental enhancement scheme for Wotton Road. Draft policy 7.9 does not elaborate on what this would involve but the appeal proposal would include traffic calming measures by virtue of the proposed new pedestrian crossing with its central refuge and the right turning lanes. It is difficult to see how they would prejudice the environmental enhancement of Wotton Road.
37. In conclusion, the actual distribution of land uses within the expanded settlement would be a matter for the future Local Plan. Predetermination in respect of the JSP would arise from fixing the land use of this central greenfield site now and so removing the ability of the local community to put forward its own ideas about how a sustainable outcome could best be achieved. It would narrow the available choices and in that respect the planning process would be undermined. The Framework places great importance on a plan-led system and empowering local people to shape their surroundings.

Overall conclusion on prematurity

38. The JSP and draft policy 7.9 has limited weight at the present time in accordance with paragraph 216 of the Framework. The PG gives advice on

when it is justifiable to refuse planning permission on the grounds of prematurity. It indicates that there are two situations where the circumstances may justify such an approach and both must apply. In this case I consider that decisions central to the JSP would be predetermined. However, the JSP is not at an advanced stage and it is clear at this point that there is no certainty that the Charfield SDL will be retained. Even if it is, the bespoke requirements may materially change. For these reasons I conclude that a decision to grant planning permission for the appeal proposal would not be premature.

Issue three: whether the proposal would integrate satisfactorily with the village

39. The appeal site is located in the centre of the village. There are some facilities, including a shop and post office, hairdresser, take-away, several public houses, a primary school, a church and a community hall. There are also some employment opportunities both within and just outside the village. These facilities are within 800m of the site and hence within an acceptable walking distance in accordance with the Institution of Highways & Transportation guidelines: *Providing for Journeys on Foot*. Bus services run through Charfield and there are bus stops along Wotton Road both to the east and the west of the site entrance. The services are not particularly frequent and so use of this mode of travel would need to be pre-planned. However, a bus trip to Wotton-under-Edge does not take long and higher order facilities are available in the market town. Even if it were decided to use a car, the trip would be very short.
40. The Framework recognises that the opportunity to maximise sustainable transport solutions will not necessarily be the same in urban and rural areas. Charfield was clearly considered a sufficiently accessible location for the 64 dwellings on the Bellway site and the 106 dwellings on the Crest Nicholson site further to the east. There is no evidence that the village has become less accessible since those decisions were made. Although I acknowledge that many journeys would be undertaken by private car, there is the potential for some daily trips to use other modes, including walking, cycling or the bus. The proposal for a small shop on the site would provide more choice for new residents and thus increase the accessibility credentials of the proposal.
41. Local objectors consider that there is insufficient capacity for existing services to accommodate the proposed new residents. They point to Charfield primary school where available places are limited and Tortworth primary school where spare capacity will be taken up by new houses being built nearby. However, the Local Education Authority has raised no objection to the appeal proposal on these grounds. Furthermore, South Gloucestershire is a CIL charging authority and one of the types of infrastructure on its Regulation 123 list is provision of primary school places.
42. There was also local concern about the lack of a local dentist or doctor's surgery. However, such facilities would not necessarily be expected to be found in a village the size of Charfield. I can appreciate that it may be difficult to get appointments at nearby local practices but this is a much wider issue and not particular to this locality. Again, health and social care is funded through CIL to which the proposed development would be required to contribute. If the responsible statutory authorities had considered that the proposed new dwellings would put undue strain on local services and facilities I would have expected objections to be raised on those grounds but they have not.

43. The railway line forms a barrier to movement and pedestrians have to cross via the footbridge on the southern side of Wotton Road or through an underpass between Charfield Green and Station Road. The proposal would include a pedestrian crossing a short distance west of the site entrance with a central refuge. This would link directly into the new development by means of a footway. The Highway Authority has not raised objections to the safety of this crossing, subject to satisfactory lighting. This could be subject to a planning condition and there is no reason why it should impinge on the amenity of the houses on the opposite side of Wotton Road.
44. The council is particularly concerned about pedestrian movement from the site in a westerly direction and from the Bellway development in an easterly direction, including to the proposed shop. A footway is to be provided from the Bellway access westwards along the northern side of Wotton Road to link up to the existing footway outside the primary school beyond which there is a controlled crossing point. A connection from the appeal site to this footway system would be ideal but would not appear to be possible. This is because there is no footway along the small section between the Bellway access and the eastern boundary of its site. There is also a large protected Horse Chestnut within the south-western corner of the appeal site and close to its boundary with the highway. It is arguable whether a footway could be constructed so close to the protected tree without undue risk to its long term health.
45. The council considers that an alternative option would be to provide a footpath link to the Bellway site through the western boundary. On my site visit I observed that the new development site has been significantly raised such that there is a considerable slope up from the western side of the appeal site. Furthermore, along the western boundary there are many protected trees. The council's tree officer indicated that a link could be provided in the south-western corner of the appeal site presumably well away from the aforementioned protected Horse Chestnut. It was suggested that a condition could be imposed requiring such a link to be agreed and then implemented prior to the completion of a given number of dwellings. However, there is a very narrow strip of land along the eastern side of the Bellway site that is not owned either by that developer or the Appellant. This would effectively result in a ransom strip between the two sites. It seems most unlikely that work on the appeal site would start on the basis that there would be likely to be a heavy financial penalty. The uncertainty would very probably have a serious impact on the viability of the appeal scheme.
46. In any event paragraph 206 of the Framework requires that planning conditions should only be imposed if they are necessary. The appeal scheme would rely on an alternative route along the southern side of Wotton Road. This would require pedestrians to use the new zebra crossing and then travel west and re-cross either at the informal crossing point immediately west of the Bellway site access or at the signalised crossing west of the school. The latter route would be longer for those visiting the school or someone living in the Bellway development because the pedestrian would have to double back along the northern side of Wotton Road. However, the former route would be perfectly reasonable and there is no evidence that it would result in a safety issue. This would only involve a journey on foot of around 16m longer. I do not consider that pedestrians, especially those with small children, would be likely to take the risk of walking from the site entrance westwards into oncoming traffic along the northern side of Wotton Road in preference to the safer route along

the south side footway. The same considerations would apply to a Bellway resident wishing to walk east.

47. For all of the above reasons I conclude that the appeal scheme would integrate satisfactorily with the village, including providing suitable connectivity for pedestrians with the Bellway development. It would therefore comply with policy CS1 in the CS and there would be no conflict with paragraph 32 of the Framework in this respect.

Other matters

48. There were many local objections about highway safety. The proposal includes a new pedestrian crossing with a central refuge. Wotton Road would be widened by taking land from the southern part of the site to construct right turning lanes at the main access as well as to the Memorial Hall and Little Bristol Lane. It seems to me that these interventions would result in a safety benefit on this particular stretch. This is because they would act to slow traffic as well as prevent overtaking on account of the introduction of road markings and bollards connected to the new pedestrian crossing. The proposed highway works have been subject to a Stage 1 road safety audit, which identified issues of lighting levels and visibility. The lighting issue could be addressed at the detailed design stage of the highway works as provided for by the S106 Agreement. The visibility concern could be resolved by relocating a small stretch of wall in front of Warners Court and could be controlled by a planning condition.
49. During my site visit I observed the visibility in both directions at the centre point of the proposed access and also at the location of the proposed new pedestrian crossing. The Highway Authority is satisfied that, subject to movement of the wall, the proposed access would have adequate visibility in both directions. It has not said that local roads or junctions would have inadequate capacity to safely accommodate the traffic generated by the proposed development. In addition it has not raised concerns about the safety of the new pedestrian crossing. It is the responsibility of the Highway Authority to ensure that the local highway network is safe for all users. I therefore give substantial weight to its conclusions.
50. I have seen the position of the proposed new access onto Wotton Road and its relationship to nearby junctions, including Newtown, Little Bristol Lane and the Bellway development. Whilst I can appreciate that local people are concerned about the issue paragraph 32 of the Framework states that development should only be refused on transport grounds if the residual cumulative impacts are severe. That is not the case here and there is insufficient evidence to support an objection to the appeal proposal on highway grounds.

Planning conditions and Planning Obligations

Planning conditions

51. A list of draft conditions was prepared by the main parties. I have considered them in the light of discussion at the inquiry and also having regard to the provisions of paragraph 206 of the Framework. I have also taken account of advice in the PG, including that pre-commencement conditions should only be used where the requirements are so fundamental that it would have been otherwise necessary to refuse the whole permission. I have therefore changed

the wording in some cases to ensure compliance with this advice and also to ensure that the conditions are precise, focused and enforceable.

52. A benefit of the appeal proposal would be its contribution to the 5 year housing land supply. The standard implementation conditions for outline planning permissions have therefore been varied and the Appellant is confident that the shorter timescales could be achieved. Access is not a reserved matter and it is therefore appropriate to require compliance with the submitted plan in the interests of certainty and proper planning. For similar reasons it is necessary to specify that the development should not exceed the stated maximum of 121 dwellings. A number of illustrative drawings were submitted that would provide the parameters for the future development. They form the basis for much of the supporting information and it is thus reasonable and necessary to ensure that the development is built in accordance with their principles.
53. The council originally raised ecological objections and it is noted that there are local objections to the proposal on the basis of its effect on ecology, including protected species and the Cullimore's Quarry Site of Special Scientific Interest. A detailed Ecological Mitigation and Enhancement Plan (EMEP) has been produced and this has undergone a number of iterations. I consider that it adequately establishes the mitigation, compensation and future management necessary to address the ecological impacts, apart from the details of the translocation of the existing orchard in the south-western corner of the site. This has therefore been included separately as well as a requirement for replacement of orchard trees that fail to translocate successfully. The EMEP includes provisions for lighting and a separate condition to cover this matter is therefore not required. The council retained its concern about the treatment of the eastern ecological buffer although agreement was eventually reached subject to some detailed management requirements. These are not dealt with fully in the EMEP and I have therefore imposed a separate condition accordingly.
54. The site is covered by a blanket Tree Preservation Order. Tree protection conditions are therefore necessary. Detail has already been submitted in the *Arboricultural Impact Assessment and Method Statement* and also in the form of Tree Protection plans. The council would prefer more detailed provisions, including notification when the protective fencing is in place to allow it to carry out checks on site. I understand that this is because past experience has found that root protection areas can be compromised and the fencing moved temporarily so that trees get damaged. However, I am not convinced that a check at a point in time would avoid this happening as tree protection is required for the duration of the construction period. The condition is clear in terms of its requirement and if it is breached there are remedies that the council can pursue.
55. A condition was suggested that sets out the details to be required in the landscaping reserved matters. Whilst this may act as clarification it is not necessary at this stage. A condition was also put forward that requires a detailed post development landscaping plan to ensure that root protection areas remain free from disturbance. This may be a matter to consider when the landscaping reserved matters are submitted but is unnecessary now.
56. A White Willow on the western boundary (tree T18) is of low quality and is to be felled. However, it has a hollow and split trunk and the ecological appraisal

indicates that it has high potential to support roosting bats. In such circumstances it is necessary to undertake pre-felling precautionary checks.

57. The Appellant's heritage assessment considers that the attenuation feature, including its retaining structure, would result in negligible impact on the setting of the Grade II listed Poolfield Farm. However, it is important to ensure a satisfactory design, for example by providing a green gabion wall. Layout and appearance are reserved matters but may not include details of this feature. It is therefore reasonable to require them to be separately submitted in order to ensure a satisfactory relationship with the designated heritage asset. I have reworded the suggested condition to make it more succinct.
58. It was confirmed at the inquiry that the development would not be built out in phases. However, it would undoubtedly cause inconvenience to nearby residents and users of Wotton Road. This could be alleviated to some degree by ensuring that construction is carried out in a considerate manner. The agreement of a Construction Environment Management Plan is therefore necessary for this purpose. The condition needs to be approved before commencement of development takes place for obvious reasons. I have not included a requirement for approval of access arrangements for emergency vehicles as it is difficult to see what alternative to the main access could be used in this case. I have also not included the tailpiece allowing the council discretion to change the provisions of the plan as this would introduce uncertainty.
59. The council's Archaeologist considers that the site could have some local archaeological potential. In such circumstances a condition requiring a strategy to be approved for investigation and mitigation is justified. In this case a pre-commencement condition is necessary to ensure that the strategy, which should include a timetable for the investigation, is able to record any finds before they are affected by construction activity.
60. At my site visit I noted that the adjoining Bellway development had resulted in significant changes to land levels. The appeal site is not level, especially on its western side. In order for the development to have a satisfactory appearance it is important to ensure that gradient changes relative to slab levels are properly controlled. This is a matter that should be agreed at the outset and, in such circumstances, a pre-commencement condition is justified.
61. The Flood Risk Assessment makes clear that surface water will be disposed by means of a sustainable drainage system. Whilst this needs to be submitted for approval it seems to me that the suggested condition provides unnecessary detail. The council explained that this was intended to set out clear expectations as there had been past experience of insufficient detail leading to an unachievable outcome. However, the council as responsible authority should ensure through its technical expertise that the scheme it approves contains sufficient detail to ensure a successful scheme. I appreciate that there is also a tree protection issue and I have worded the condition to take this into account. The surface water drainage works are likely to be undertaken at an early stage of the development and, in such circumstances, a pre-commencement condition is justified.
62. Although the S106 Agreement contains details of the management and maintenance of surface water infrastructure it relates only to the parts within the defined open spaces. A sustainable drainage system will only be effective

so long as it is properly managed and maintained in perpetuity. It was therefore agreed that a condition was also necessary to this effect. Wessex Water has confirmed that there is sufficient capacity in the existing sewerage system to accommodate the development. In order to ensure that the details are satisfactory a foul drainage scheme requires to be submitted for approval. For similar reasons given in respect of the surface water drainage condition I have simplified the wording and applied a pre-commencement requirement.

63. Policy PSP6 in the PSP Plan seeks to ensure that the residual energy consumption of development is reduced by at least 20%. This policy has recently been found sound as the plan was only adopted in November 2017. I have reworded the condition to make it more concise. The proximity of the busy railway line adjacent to the eastern boundary of the site requires that noise mitigation would be necessary in order to ensure a satisfactory living environment for future occupiers.
64. It is clearly important that the new access with its pedestrian footway is constructed prior to the occupation of either the residential or retail buildings. However, this would provide the sole access into the site and it would therefore be necessary that it is constructed at an early stage so that there is a safe access into the site available for construction traffic. I have therefore reworded the condition accordingly. Visibility at the site entrance is impeded by a small section of wall at the front of Warners Court. For reasons of highway safety it is necessary to relocate this behind the pedestrian visibility splay.

Planning obligations

65. The council has adopted a CIL charging regime. The Regulation 123 list makes provision for various forms of infrastructure including education, transport and recreation. However, it does not include site-specific requirements and these are to be provided through the two legal documents. The S106 Agreement was fully executed on 12 July 2018. The Unilateral Undertaking was fully executed on 11 July 2018. I am satisfied that both are legally correct and fit for purpose. In order to be taken into account in any grant of planning permission, the obligations must accord with Regulations 122 and 123 of the CIL Regulations. It is noted that there are "blue pencil" clauses such that the obligations are conditional on my finding that they comply with these aforementioned regulations. The council has confirmed that there are no instances in this case where Regulation 123 becomes applicable.

Unilateral Undertaking

66. This relates solely to the railway crossing improvements. It covenants to pay £500,000 for either miniature stop lights or as a contribution towards a footbridge over the railway line. The only evidence is that of Network Rail who consider that the appeal development would be likely to generate sufficient additional pedestrian movement over the uncontrolled crossing point to require mitigation. The financial payment would be sufficient to pay for the miniature stop lights in total or a proportion of the footbridge. This has been costed by Network Rail at about £1.5m. The remaining contribution would be from the larger development proposed as part of the SDL on the north-eastern side of the village. Network Rail no longer object to the proposal on the grounds of risk to pedestrian safety.

67. In the absence of any evidence to the contrary the risk identified by Network Rail would be sufficient to justify the mitigation. In such circumstances I am satisfied that the planning obligation complies with Regulation 122 of the CIL Regulations.

Section 106 Agreement

68. This consists of 7 schedules covering a range of matters. Policy CS24 in the CS seeks to ensure that development provides open space to provide for the needs of new occupiers in accordance with the local standards set out in Appendix 5. The evidence indicates there is a shortfall of open space provision within the local area. The council is satisfied that the proposal makes sufficient provision for all of the required types of open space on site save for outdoor sports facilities. This would be provided off-site by means of a financial contribution. There are three alternative projects outlined, all of which are relatively close to the appeal site and so would benefit new occupiers.
69. Schedule 2 of the Deed includes the provisions to establish a body to undertake the management and maintenance in perpetuity of the open spaces and any surface water infrastructure within them. This would include the attenuation feature and watercourses. An Annex to the Deed sets out the requirements that would need to be approved in respect of the management entity. These would include the way it would be funded and what would happen in the event of insolvency or failure to carry out its duties.
70. Schedule 3 makes provision for 35% of the dwellings to be affordable housing in accordance with policy CS18 in the CS. Of these, 73% would be social rented and 27% intermediate and it was confirmed that such a split would meet local needs as outlined in the 2015 *Strategic Housing Market Assessment*. The delivery mechanism would be linked to the provision of the market units and no more than 75% could be occupied until all of the affordable homes have been completed and transferred to the Registered Provider. The deed also makes provision for 5% self-build and custom dwellings in accordance with policy PSP42 in the PSP Plan. Delivery of these units is linked to the market dwellings in that no more than 30% could be occupied until serviced self-build plots are being marketed.
71. The delivery of the retail site would be controlled through schedule 5. A marketing scheme is to be approved before more than 30% of the dwellings (market or affordable) could be commenced. The marketing period would be 12 months, which seems an appropriate timescale.
72. Schedule 4 relates to the various highway works to Wotton Road that have been explained to be necessary above. Schedule 7 concerns the introduction of a Travel Plan and the council is content with its provisions to encourage public transport use, cycling and walking. The targets are for a reduction of 1% per year of single occupancy car use over the 3 year duration of the Travel Plan. This is in accordance with policy CS8 in terms of improving accessibility.
73. I am satisfied that all of the planning obligations are reasonable, necessary and proportionate. They meet the requirements of Regulation 122 of the CIL Regulations and may therefore be taken into account in any grant of planning permission.

Final issue: planning balance and whether the proposal would be a sustainable form of development

74. The appeal proposal would involve development outside of the rural village of Charfield. The development plan directs the majority of new housing to the main centres of population and does not envisage new housing of the type proposed outside the settlement boundary. The appeal proposal would therefore conflict with the spatial strategy in the development plan and be contrary to policies CS5 and CS34 in the CS and policy PSP40 in the PSP Plan.
75. The council does not have a 5 year housing land supply. The above policies restrict the supply of housing and are therefore out-of-date. In such circumstances policy 4a in the CS indicates that the tilted balance applies unless specific policies in the Framework indicate that development should be restricted. Paragraph 134 is one such restrictive policy, which is engaged because of the less than substantial harm to the significance of Poolfield Farm. This requires a balance to be made and if the harm outweighs the public benefits then permission should be refused.

The benefits of the appeal proposal

76. There would be a number of economic, social and environmental benefits. The proposal would provide up to 121 new dwellings in a relatively accessible location. It would make an important contribution to addressing the council's significant deficit in housing land supply. Furthermore, there is no reason why the houses should not be built out within the next 5 years in view of the shorter timescale for implementation agreed by the Appellant. The housing requirement is for the South Gloucestershire area as a whole and the development plan does not distinguish between different sub-areas in this respect. The benefit provided by proposed new housing is therefore not reduced because of the recent developments in the village.
77. The inclusion of the full policy level of affordable housing is also a benefit of considerable importance. The 42 affordable homes, with a large proportion of social rented units, would meet an urgent and growing need for homes by people who are unable to access the private housing market. On a local level, there is no evidence that the affordable housing needs of Charfield have been addressed. In addition self-build plots would be provided, which would increase the range of housing choices.
78. The proposed retail unit would meet an existing need in the village as identified by the council's own consultant advisers. The S106 Agreement requires the shop to be marketed before the housing is completed so it is in the interests of the developer to provide it. The council criticised the proposed parking and servicing arrangements but the layout is only illustrative and I am not convinced that there is sufficient evidence to doubt its viability. The shop would increase local consumer choice and would provide a facility that many new and existing residents would be able to reach on foot or bicycle. Whilst the Co-op has indicated an interest in a new store in Charfield there is no commitment to the appeal site at the present time. The S106 Agreement allows a marketing period of 12 months, which seems to me a reasonable period in which to attract a future retail operator. I appreciate that there is a planning application for a similar sized retail facility on a site immediately to the east of the railway line. This has yet to be determined by the council but it seems unlikely that two stores of this size would wish to operate in such close proximity.

79. The new development would offer various other economic advantages. There would be new jobs during the construction period and there would be a longer term benefit in terms of jobs growth through the introduction of the new population. The retail unit would also create a number of jobs. Furthermore, the residents of the new development would generate expenditure thus supporting the local economy as well as existing facilities and services.
80. The highway works, including the new pedestrian crossing and right hand turning lanes would improve the safety of Wotton Road for the benefit of road users and pedestrians. The proposal offers the opportunity for habitat enhancement and improvement to biodiversity through the EMEP. This would be over and above what would be expected in order to mitigate the impact of the new development.
81. When the aforementioned benefits are considered together, I consider that they should be afforded very substantial weight in the planning balance.

The heritage balance under paragraph 134 of the Framework

82. The appeal proposal would lead to less than substantial harm to the significance of Poolfield Farm. Whilst the impact on the setting of the listed building would be of a minor nature there is no sliding scale in terms of less than substantial harm in either the Framework or the PG. Great importance should be attributed to a designated asset's significance but in this case I consider that it would be outweighed by the very substantial public benefits that would arise from the proposal as outlined above. In such circumstances the harm to the significance of Poolfield Farm would not be a reason for withholding planning permission.

The tilted balance under policy CS4A in the CS

83. Policy CS4A sets out what the presumption in favour of sustainable development means in terms of the tilted balance. Whilst the starting point is the development plan, the conflict with the housing supply policies has limited weight as they are not up-to-date. For all of the reasons given in relation to the second issue I do not consider that the appeal proposal would be premature. It would though predetermine decisions relating to draft policy 7.9 and the Charfield SDL for the reasons I have given. Insofar as this is a material consideration in its own right I afford it limited weight because the JSP is not at an advanced stage and it is not known at the moment whether the relevant policy provisions will be adopted in their current form. For the reasons given under the third issue, I have concluded that the proposal would be in a reasonably accessible location and integrate satisfactorily with the village, including the Bellway site to the west.
84. There would be some harm to the landscape because the existing greenfield site would be developed with houses. However, it is recognised by the council that such land will be needed to meet future housing needs. Furthermore, the landscape impact would have little wider significance due to the position of green infrastructure, the relocated orchard, allotments and open space. In the circumstances I attribute very little weight to the landscape harm.
85. The eastern part of the site is classed as best and most versatile agricultural land. However, this is a relatively small area and I would not judge it to be "significant" in terms of paragraph 122 of the Framework. In any event it

seems likely that some loss of this type of land will be unavoidable if the council is to meet its housing requirements. The proposal would include the translocated orchard and new allotments which would, in my judgement, be sufficient to mitigate the harm. I therefore attribute very little weight to this factor.

86. The loss of significance to Poolfield Farm has already been discussed above. For the reasons given there it must also be given a great deal of weight as a negative factor in the tilted balance. When added to the other adverse impacts that I have identified I consider that there would be substantial harm arising from the appeal proposal. However, in my overall judgement there would be very substantial benefits. The adverse impacts would not, in this case, significantly and demonstrably outweigh the benefits. Whilst there are policy conflicts they are outweighed by the material considerations in favour of the proposed development. The proposal is in accordance with policy CS4A of the CS and is a sustainable form of development that complies with the development plan as a whole.
87. I have considered all other matters raised in connection with this appeal. They include the various appeal decisions raised for and against the proposal. However, in many cases the circumstances are not comparable, especially with respect to the issue of prematurity. In other cases I do not consider that my conclusions are inconsistent with those of my colleagues. For all of these reasons I have found no reason to change my conclusion that the appeal should succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Suzanne Ornsby	Of Queen's Counsel
Mr Alexander Greaves	Of Counsel, both instructed by the Solicitor of South Gloucestershire Council

They called:

Mr D Jones BA(Hons) PGDip MRTPI	Principal Project and Urban Design Officer with South Gloucestershire Council
Mr P Conroy BA(Hons) MSc MRTPI	Strategic Planning Policy and Specialist Advice Manager with South Gloucestershire Council
Mr B G Read BA(Hons) BSc MRTPI	Partner at Rapleys LLP

FOR THE APPELLANT:

Mr Jeremy Cahill	Of Queen's Counsel
Mr Christian Hawley	Of Counsel, both instructed by Pegasus Group

They called:

Mr J deHavilland BSc(Hons) DipUD MRTPI AoU	Partner at Barton Willmore
Mr M Baker BSc(Hons) MICE CEng FCIT FCILT EurIng	Director of Mark Baker Consulting
Mr D Weaver BA(Hons) MRTPI	Director of Pegasus Group

*Ms K Holden MURP MRTPI Principal Planner at Pegasus Group

*Took part in the planning conditions and obligations sessions only

INTERESTED PERSONS:

Mr J O'Neill	Local Councillor for the Charfield Ward
Mr J Gregory	Representing Fighting for Charfield and a member of the Charfield Neighbourhood Plan committee
Mr S Hake	Local resident and a member of the Charfield Neighbourhood Plan committee
Mrs P Evans	Clerk of the Charfield Parish Council, speaking on behalf of its Chairman, Mr M Rosher
Mr Field	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Response from the council to various questions from the Inspectors examining the Joint Spatial Plan (JSP) (18 June 2018), submitted by Ms Ornsby
- 2 Emerging findings of Transport Technical Studies relating to Charfield Rail Station (1 June 2018), submitted by Ms Ornsby
- 3 Letter to the Secretary of State from Cllr T Savage, Leader of the council, requesting that the appeal be recovered (20 June 2018), submitted by Ms Ornsby
- 4 Note on the Unilateral Undertaking, submitted by Mr Cahill
- 5 Extract from the South Gloucestershire Local Plan showing the settlement boundary of Charfield
- 6 Plan showing 400m and 800m isochrones from the school site shown on the latest masterplan from the CEG development site, submitted by Mr Cahill
- 7 Statement by Cllr O'Neill, delivered orally to the Inquiry
- 8 Statement by Mr Gregory, delivered orally to the Inquiry
- 9 Statement by Mr Hake, delivered orally to the Inquiry
- 10 Statement by Mr Rosher, delivered orally to the Inquiry by Mrs Evans
- 11 Map showing public rights of way in the Charfield area, submitted by Mr Cahill
- 12 Letter from Mr Read to Mr Weaver relating to the consolidated reasons for refusal (22 January 2018), submitted by Ms Ornsby
- 13 Bellway homes site plan, submitted by Ms Ornsby
- 14 Extracts from the *Guidelines for Providing Journeys on Foot* (2000) submitted by Ms Ornsby
- 15 Additional notes to Mr Parker's evidence provided by Mr deHavilland
- 16 Ecological statement of common ground between South Gloucestershire Council and the Appellant
- 17 Further note from the Appellant in answer to my questions about the Management Company, land ownership and wall along Wotton Road
- 18 Map and Land Registry extract concerning the ownership of land between the Bellway development and the appeal site, submitted by Mr Cahill
- 19 Letter from the Inspectors examining the JSP to the council concerning various matters in the 18 June letter (Document 1) (28 June 2018), submitted by Mr Cahill
- 20 Planning Update Newsletter from Mr S Quartermain (March 2014), submitted by Mr Cahill
- 21 Representations by Barratt Homes (Bristol) to the Regulation 19 JSP, submitted by Ms Ornsby
- 22 JSP transport infrastructure costs for the SDL at Charfield, submitted by Ms Ornsby
- 23 Development plan extracts, submitted by Ms Ornsby
- 24 Maps and Land Registry extracts relating to Charfield Primary School, submitted by Mr Cahill
- 25 Parts of Mr Baker's proof of evidence and rebuttal proof that have been deleted following the agreement reached in the statement of common ground on planning matters, submitted by Mr Cahill

- 26 Footpath location technical note, submitted by Ms Ornsby
- 27 Suggested condition concerning the relocation of the wall at the front of Warners Court, submitted by Mr Cahill
- 28 Ecological Mitigation and Enhancement Plan for the appeal site (5 July 2017), submitted by Mr Cahill
- 29 CIL Regulations compliance statement, submitted by Ms Ornsby

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY

- 30 Request by the Chief Executive of South Gloucestershire Council that the appeal be recovered and response from the Minister for the Northern Powerhouse and Local Growth declining the request (6 July 2018)
- 30 Certified copy of the executed Planning Obligation by Agreement, dated 12 July 2018
- 31 Certified copy of the Planning Obligation by Unilateral Undertaking, dated 11 July 2018

PLANS

- | | |
|---------|---|
| A/1-A/2 | Application plans |
| B/1-B/6 | Plans to be listed "to be in accordance with" |
| C/1-C4 | Illustrative plans |
| D/1-D/4 | Tree reference and tree protection plans |

PLANNING CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission. The development hereby permitted shall take place not later than one year from the date of approval of the last of the reserved matters.
- 3) The development hereby permitted shall be carried out in accordance with drawing no: 10115-500 Rev A.
- 4) The development hereby permitted shall be carried out in accordance with the principles shown on the following drawings: 0609-1002 Rev C; 0609-1004 Rev C; 0609-1005 Rev A; 0609-1006 Rev D; 0609-1007 Rev C; 0609-1009.
- 5) The development hereby permitted shall not exceed 121 dwellings.
- 6) Development shall be carried out in accordance with the submitted Ecological Mitigation and Enhancement Plan (EMEP) dated 5 July 2017. (ref: 8866.01_EMEP_APPR_050717, dated 5 July 2017). In addition, details of how and when the existing orchard trees will be translocated shall be submitted to and approved in writing by the local planning authority. The translocation shall take place before any building is first occupied in accordance with the approved details. Any fruit trees that fail to translocate successfully within 5 years of planting shall be replaced with fruit trees of similar size and species.
- 7) Notwithstanding the provisions of the EMEP, details of the buffer to be provided along the eastern boundary of the site, including a timetable for its provision and how it will be managed in perpetuity, shall be submitted to and approved in writing by the local planning authority. This shall be a minimum of 5 metres in width and shall include a mixed native species hedgerow to be kept at a width of no less than 1.5 metres and a height of no less than 3 metres and tussocky grassland no less than 1.5 metres in width. The future management regime shall include a rotation of 3-4 years; cutting the tussocky grassland in Autumn in advance of winter management of the hedgerow in January or February; and the use of hand tools to manage the hedge. Development shall be carried out in accordance with the approved details and management regime.
- 8) The development hereby permitted shall be carried out in accordance with the Tree Protection Plan (drawing no: BDWB597-03 Rev B) and the Arboricultural Method Statement (section 4 of the Arboricultural Impact Assessment and Method Statement revision B, dated 17 March 2017). All tree protection works shall be in accordance with BS5837:2012.
- 9) There shall be a minimum one metre buffer between the edge of the root protection area of any retained tree along the western site boundary and the road edge. This area shall be kept free from any structures for the lifetime of the development.

- 10) The White Willow (tree T18) shall not be removed until pre-felling precautionary checks for bats have been undertaken in accordance with a scheme that has been submitted to and approved in writing by the local planning authority.
- 11) No above ground development shall take place until details of the proposed attenuation feature in the north-western part of the site has been submitted to and approved in writing by the local planning authority. This shall include the measures to be taken to minimise impact on the Grade II listed building, Poolfield Farm. Development shall be in accordance with the approved details.
- 12) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding 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) delivery and construction working hours.

The approved CEMP shall be adhered to throughout the construction period for the development.
- 13) No development shall take place until an archaeological investigation and mitigation strategy has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved strategy.
- 14) No development shall take place until details of existing and proposed site levels and ground floor slab levels for all new buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) No development shall take place until a surface water drainage scheme in accordance with sustainable drainage principles has been submitted to and approved in writing by the local planning authority. This shall include details of the position of the pipe networks relative to the trees and their root protection areas. The approved scheme shall be carried out before any building is first occupied.
- 16) No development shall take place until details of the maintenance and management of the sustainable drainage scheme approved by condition 15 has been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation; and,
 - ii) a management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory

undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be managed and maintained in accordance with the approved details for the lifetime of the development.

- 17) No development shall take place until a scheme for the disposal of foul drainage had been submitted to and approved in writing by the local planning authority. This shall include a timetable for implementation and shall be carried out in accordance with the approved scheme.
- 18) No dwelling shall be first occupied until noise mitigation has been carried out in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. This shall be in accordance with the principles established in section 5 of the Noise and Vibration Assessment report dated June 2016. The scheme shall include the timetable for constructing the acoustic fence and how it will be maintained for the lifetime of the development. The scheme shall be carried out as approved.
- 19) No above ground development shall take place until details of how the development will reduce total residual energy consumption by at least 20% have been submitted to and approved in writing by the local planning authority. No building shall be first occupied until the approved energy saving measures have been carried out.
- 20) The access and associated visibility splays shown on drawing no: 10115-500 Rev A shall be constructed before any further built development takes place. This shall include the relocation of the front wall to Warners Court behind the pedestrian visibility splay in accordance with drawing BH/MB/A in Volume 2 to Mr Baker's proof of evidence. The pedestrian access shown on drawing no: 10115-500 Rev A shall be constructed before any building is first occupied.

End of conditions 1-20