



Appeal Decision

Site visit made on 8 November 2019

by Daniel Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/A2335/W/19/3224751

Land at Higher Bond Gate, Abbeystead Road, Dolphinhholme, Lancaster LA2 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Wallbank against the decision of Lancaster City Council.
 - The application Ref 18/01106/OUT, dated 20 August 2018, was refused by notice dated 12 October 2018.
 - The development proposed is described as a phase 2 outline planning application for 9 dwellings (40% affordable housing provision), public open space and associated infrastructure with access as approved under application Ref 17/00970/OUT.
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Decision

1. The appeal is allowed and planning permission is granted for a phase 2 outline planning application for 9 dwellings (40% affordable housing provision), public open space and associated infrastructure with access as approved under application Ref 17/00970/OUT at Land at Higher Bond Gate, Abbeystead Road, Dolphinhholme, Lancaster LA2 9AY, in accordance with the terms of the application Ref 18/01106/OUT, dated 20 August 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. In the banner heading above, I have taken the appeal site address from the Council's refusal notice, and not from the appellant's planning application form, as this is a complete site address.
3. A site layout plan accompanies the outline planning application (drawing Ref GA1984-PSP-02). I have considered this plan on a purely illustrative basis and for the purposes of informing my assessment as to whether or not the erection of nine dwellings on the site would be acceptable in land use principle terms.
4. The application is submitted in outline for the erection of nine dwellings, with all detailed matters reserved apart from access. The access into the site would be from Abbeystead Road, as per the access approved as part of the outline planning permission for 18 dwellings (Ref 17/00970/OUT) immediately adjacent to the site.
5. On the basis that the appellant has included a completed planning obligation as part of the appeal, which would ensure that the appeal development is only built out in conjunction with the residential development permitted as part of outline planning permission 17/00970/OUT, reason for refusal No 1 on the Council's refusal notice is no longer a point of contention between the main

parties. Indeed, if allowed the development would not be isolated or physically interconnected from the remainder of the village as it would have to be built out in conjunction with the approved residential development adjacent to the appeal site. In other words, the completed planning obligation would ensure the provision of comprehensive residential development across the two sites.

Policy Background and Housing Land Supply

6. The National Planning Policy Framework was revised in February 2019 (the Framework) and this post-dates the Council's refusal notice. I have taken the Framework into account as part of the determination of this appeal.
7. The Council has confirmed that since the outline planning application was refused examination hearings have taken place in April and May 2019 in respect of the Strategic Policies and Land Allocation DPD (SPLA DPD) and the Development Management DPD (Emerging DM DPD). Following these hearings, the main modifications to the development plans have been the subject of further public consultation which ended on 7 October 2019. Any comments made will need to be considered further by the Examining Inspector.
8. For the avoidance of the doubt, the aforementioned Plans are not yet adopted but they are nonetheless relevant material planning considerations for the purposes of determining this appeal. The Council has confirmed that emerging policies SP2 (Lancaster District Settlement Hierarchy) and SP3 (Development Strategy for Lancaster District) of the SPLA DPD are relevant in respect of the determination of this appeal. Emerging policy SP2 defines Dolphinhholme as a '*rural village*' and states that '*these settlements will accommodate development that meets evidenced local needs only*'. This is repeated in emerging policy SP3 of the SPLA DPD. These emerging policies represent a marked change to the position in respect of Policy DM42 of the adopted Development Management DPD 2014 (DM DPD) which defines Dolphinhholme as a '*sustainable rural settlement*' where proposals for new housing will be supported subject to meeting specific detailed requirements.
9. The Council has confirmed that in respect of emerging policies SP2 and SP3 of the SPLA DPD, "*no objections have been raised associated with Dolphinhholme's removal as a sustainable rural settlement*". Consequently, and given the stage of the preparation of the SPLA DPD, I afford the identified policies moderate weight for the purposes of determining this appeal. That said, the adopted development plan policies continue to be afforded more weight for the purposes of determining this appeal.
10. Dolphinhholme was formally designated a Neighbourhood Plan area on 1 February 2017. However, to date a draft Neighbourhood Plan for Dolphinhholme has not been submitted for public consultation or examination. Consequently, the Neighbourhood Plan designation has no bearing on the determination of this appeal.
11. For the avoidance of doubt, the current adopted development plans for the Lancaster City Council area include the adopted Development Management DPD 2014 (DM DPD); the adopted Lancaster District Local Plan Strike Through Edition 2008 (LP) and the adopted Lancaster City Council Core Strategy 2008 (CS). In respect of the these adopted plans, the Council's refusal notice refers to the relevant policies as being Policies DM28, DM35, DM41 and DM42 of the DM DPD, saved Policy E4 of the LP and Policy SC1 of the CS.

12. There is no dispute between the main parties that the local planning authority cannot currently demonstrate a five-year supply of deliverable housing sites. Indeed, the Council's undisputed 'Five Year Housing Land Position Statement' August 2019 states that on 1 April 2019 the housing supply position was at 3.3 years. In this context, paragraph 11d of the Framework is engaged.

Main Issues

13. In the context of the above, the main issues are (i) whether the appeal site is in an accessible location; (ii) the effect of the development on the character and appearance of the countryside and the village of Dolphinhholme and (iii) whether or not the proposal would deliver a sustainable form of development.

Reasons

Location and accessibility

14. In considering the outline planning application for 18 dwellings adjacent to Brookside Close, the report considered by the Council's Planning Committee acknowledged that whilst the village does include a primary school (i.e. very close to the appeal site), a pub including a small shop, a parish hall and an outsourced post office visiting two mornings per week, the range of facilities and services in the village were not significant for most day to day requirements. I do not disagree with this view and indeed it is very likely that a lot of journeys each day, particularly for employment, leisure and shopping purposes, would need to be undertaken by private motor vehicle to settlements that are further afield. Nevertheless, it would be possible for occupiers of the dwellings to use some facilities and services in the appeal village, either on foot or by bicycle. Furthermore, it is possible that in the summer a small number of residents would potentially visit Lancaster and other settlements using National Cycle Route 6 and Regional Route 90, although I accept that such journeys would unlikely be frequent given the travel distances involved.
15. In essence, most of the occupiers of the nine dwellings would be reliant of the private motor vehicle for a lot of their day to day journeys. Nevertheless, this would not be the case for all journeys, and it is of note that the proposal would include some footpath improvements to and from the heart of the village. Whilst the appeal site is not particularly accessible in so far that there are not any identified bus services in the village (other than for school children) and frequent cycling and walking to other more sustainable settlements is not likely to be a regular occurrence given separations distances, predominantly unlit roads/routes and carriageway alignment, it is of note that Policy DM42 of the DM DPD does nevertheless state that proposals for new housing in Dolphinhholme will be supported. Consequently, the DM DPD does envisage some additional housing development in Dolphinhholme (indeed the Council has already approved 18 dwellings adjacent to the appeal site) and does not in itself impose a restriction on the maximum number of residential units that would be permitted.
16. There is no indication from either of the main parties that the proposal would lead to the erection of isolated homes in the countryside. Indeed, the dwellings, in conjunction with the 18 dwellings approved next to Brookside Close, would be seen as an adjunct to the main built up part of the village. In this regard, there would be no conflict with paragraph 79 of the Framework which states that planning decisions *'should avoid the development of isolated*

homes in the countryside'. Whilst the appeal site would have relatively limited accessibility credentials, in this case such a finding needs to be considered in the context of paragraph 103 of the Framework which states that '*opportunities to maximise transport solutions will vary between urban and rural areas*'.

17. On balance, and in the context that the adopted development plan identifies Dolphinhholme as a '*sustainable rural settlement*' where housing development is supported in principle, I do not consider that the number of journeys undertaken by private motor vehicle would be so significantly adverse in environmental terms to reasonably justify a refusal of outline planning permission. Furthermore, and as was the case when the Council approved outline planning permission for 18 dwellings adjacent to Brookside Close, I consider that it is very likely that the proposal would have the effect of seeking to both enhance and maintain the vitality of both Dolphinhholme and other rural settlements in accordance with paragraph 78 of the Framework.
18. For the above reasons, I conclude that the appeal site has limited accessibility and in that regard the proposal would not fully accord with Policies SC1 of the CS and Policies DM20, DM21, DM28, DM35 and DM42 of the DM DPD which seek to locate new developments in accessible locations where there is a choice of means of transport.
19. However, the above harm is tempered to some extent in so far that Policy DM42 of the DM DPD supports some housing growth in Dolphinhholme; the site falls within a rural area where transport choices are not likely to be as great as more urban locations; there was previously a bus service in the village and it is possible that the occupiers of an additional 27 dwellings would generate enough demand for the service to be reinstated; and the proposal would lead to the likely maintenance and enhancement of the vitality of Dolphinhholme and other rural settlements in accordance with the Framework. Furthermore, it is of note that the proposal would include an upgrade and extension of existing pedestrian footway provision along Abbeystead Road (i.e. hard surfacing a grassed verge), pedestrian improvements between the site and the village school (i.e. a widening of pavement at the junction with Wagon Road), a review/extension of existing street lighting arrangements and an extension of the 30-mph restriction.

Countryside impact

20. Dolphinhholme is effectively split into two parts, Higher Dolphinhholme and Lower Dolphinhholme. The appeal site is relatively close to residential properties along Brookside Close and those that line Abbeystead Road. It is located very close to edge of the built-up part of Higher Dolphinhholme.
21. Planning permission has already been granted in outline for the erection of 18 dwellings within the same field and immediately adjacent to the appeal site. In addition, the same access from Abbeystead Road and into the site has already been approved by the Council as part of the approval of the aforementioned outline planning permission. The existence of the extant outline planning permission for 18 dwellings, and with the same access, is a material planning consideration to which I afford significant weight as part of the determination of this appeal. Indeed, there is nothing before me to suggest that the 18 dwellings would not in time be built out, and it is clear from the submitted planning obligation that the appellant does intend to build these dwellings out in conjunction with the 9 dwellings which are the subject of this appeal.

22. For the above reasons, and in considering the effect of the development on the character and appearance of the village and on landscape character, it is both reasonable and necessary that my assessment is based on the fact that it is very likely that 18 dwellings will be built on land which immediately adjoins the edge of the main built limit of Dolphinholme. Given this, as well as the completed planning obligation, the appeal development should therefore be considered as an extension to the approved residential development adjacent to Brookside Close.
23. I have taken into account the appellant's Landscape Visual Impact Assessment (LVIA) and was able to consider the effect of the development from the referenced viewpoints as part of my site visit. I note that the site falls within landscape character type 5 (undulating lowland farmland) and 5i (West Bowland fringes) of Lancashire County Council's 'A Landscape Character for Lancashire' 2001. The Forest of Bowland AONB is located to the east of the appeal site and indeed the Bowland Hills can be seen from the appeal site as a longer distance and impressive view.
24. Whilst the submitted layout is only indicative, I am satisfied that in principle it would be possible to arrange the dwellings on the site in such a way that when they were seen across the landscape, including from public footpaths to the north, they could very closely relate to and align with the 18 dwellings which would be erected immediately adjacent to Brookside Drive. From longer distance views, including from the AONB, and given the very close proximity of the appeal site with the adjacent site for 18 dwellings, I consider that the effect on landscape character would be negligible.
25. I do acknowledge that by extending the approved development further east and into a more open and less developed landscape, this would have the effect of enlarging the built form of the village. The resultant development would be particularly apparent when driving in both directions along Abbeystead Road and the additional nine dwellings would be particularly noticeable from localised viewpoints due to the topography of the appeal site (i.e. the land rises upwards from Abbeystead Road). However, in the context of the outline planning permission for 18 dwellings, in time the appeal proposal would not have a very significant adverse impact on the character and appearance of the area.
26. Indeed, it would be possible, as per the indicative layout plan and photomontages, to provide a densely planted buffer on the eastern boundary of the site which would denote a new soft and green edge to the village of Dolphinholme. This is a matter that could be carefully controlled by the Council at the landscaping reserved matters stage, although it is acknowledged that any planting would take some time to reach maturity. Indeed, the appellant's LVIA talks about 12 years and so for a number of years the localised effects would be more harmful.
27. I do note that the appeal development would be broadly in line with the main buildings at Bond Gate Farm. Beyond Bond Gate Farm, and driving away from the village, the area becomes increasingly more sporadic in terms of the amount of built development. Indeed, beyond this point the environment is appreciated as a more rural and open landscape which is devoid of residential buildings. Notwithstanding the above, and owing to the elevated position of the site, there is no doubt that the effect of the proposed additional nine dwellings on the landscape character of the area would lead to some adverse

visual effects particularly when viewed from more localised viewpoints on Abbeystead Road.

28. In the context that 18 dwellings can be constructed on land nearer to Brookside Close, including some indicative buffer planting in this area, I do not consider that the likely position and scale of 9 dwellings on the appeal site would make a significant difference to the way that the occupiers of the dwellings on Brookside Close would appreciate the character and appearance this part of the countryside. Whilst the occupiers of these properties would lose existing open and rural views, this in itself does not justify refusing planning permission. Indeed, the Courts have held that the right to a view is not a material planning consideration. Furthermore, and in any event, I cannot ignore the fact that there is an extant planning permission in place for the erection of 18 dwellings adjacent to these existing properties. It is this approved development which is likely to have the most immediate effect on the existing landscape appreciated by the occupiers of the dwellings on Brookside Close.
29. The Council has raised some concern about the effect of the development on the character and appearance of the village. In considering the outline planning permission for 18 dwellings on the adjacent site, the Council commented that *"with respect to its relationship to the village in terms of scale and character, the proposed development is a modest extension to a village which has in the region of 140 houses"*. I acknowledge that the proposal would result in the erection of an additional 9 dwellings on the edge of the village, but in terms of the scale of the resultant development across the two sites, I am satisfied that the proposal would be capable of according with criterion v of Policy DM 42 of the DM DPD which requires that proposals are *'proportionate to the existing scale and character of the settlement'*. In this case, I am not persuaded by the Council's argument that the erection of 18 dwellings is proportionate, but the erection of 27 dwellings is not.
30. In conclusion, whilst the indicative proposal would be proportionate to the existing scale and character of Dolphinholme (this also includes the erection of 18 dwellings approved adjacent to the site) and hence would accord with criterion v of Policy DM 42 of the DM DPD, I conclude that even with some buffer and hedge planting the cumulative effect of the erection of 27 dwellings in this area would be such that it would lead to some harm to the character and quality of the landscape. Therefore, and to this extent, there would be some conflict with the landscape character and countryside appearance aims of Policies DM28, DM35, DM41 and DM42 of the DM DPD; saved Policy E4 of the LP; Policy SC1 of the CS and paragraph 170 of the Framework.

Other Considerations

31. The proposed development, in conjunction with the erection of 18 dwellings adjacent to the appeal site, would significantly boost the supply of housing in the area in the context that the local planning authority is unable to demonstrate a deliverable five-year supply of housing sites by quite some margin. In addition, the proposal would deliver a number of affordable homes across the two sites (40%) and this is a further significant social benefit which weighs in favour of allowing the appeal.
32. The proposal would lead to some employment at construction stage, although I do accept that this economic benefit would be relatively short lived.

33. The development would seek to at least maintain the vitality existing facilities and services in Dolphinhholme and other rural settlements further afield, and potentially could lead to enhancements. Furthermore, and with additional residents living in Dolphinhholme, I do not disagree with the appellant that there is greater potential for public transport services to operate again in the village thereby improving the accessibility credentials of the village for both existing and future occupiers of properties.
34. Whilst the appeal proposal would seek to extend the red edged site area relative to the extant outline planning permission for 18 dwellings, it is of note that the indicative plans do show that some of the nine dwellings would be capable of being built within the red edged site area of the extant outline planning permission site for 18 dwellings. In doing so, it would therefore be possible to keep the built form relatively contained and hence the eastern part of the site greener and undeveloped in terms of the provision of sensitive public open space and significant buffer planting. In this regard, and to a limited extent, the proposal has the potential to make more efficient use of the land to which the extant planning permission relates, from a built development point of view.
35. In determining this appeal, I afford the above considerations positive weight in the overall planning balance.

Other Interested Party Comments

36. I have taken into account comments made by other interested parties. Whilst I acknowledge that the proposal would lead to additional traffic on local roads, I note that the Highways Authority have not objected to the proposal in this regard. There is no evidence before me to suggest that the local road infrastructure would not be capable of accommodating the amount of traffic movements that would arise from an additional nine dwellings. I am satisfied, on the evidence that is before me, that the proposal would not, either individually or cumulatively with the approved 18 dwellings, have an unacceptable impact on highway safety or a severe effect on levels of traffic congestion on the local road network.
37. Concerns have been raised about potential flooding from the brook adjacent to the site. Statutory consultees have raised no objection to the proposal in this respect. Surface water and foul drainage matters are capable of being controlled by means of the imposition of planning conditions.
38. I note that concerns have been raised about the effect of the development on matters of biodiversity and in terms of the setting of listed buildings. However, I have no reason to disagree with the conclusions reached in the appellant's ecology report in respect of biodiversity matters and I note that this was also not a concern in respect of the determination of the outline planning application for 18 dwellings adjacent to the appeal site. I am satisfied that the proposal would not cause significant harm to the ecology of the area.
39. Taking into account separation distances and the topography of the land, the erection of nine dwellings coupled with the adjacent consented residential development, would preserve the setting of Lower Starbank Farm, which is a Grade II listed building, and the Castle Hill Motte scheduled ancient monument.

40. I acknowledge that the proposal would lead to the loss of agricultural land, but there is no evidence before me to suggest that the proposal would lead to the loss of best and most versatile agricultural land and, even if this were the case, the amount of land lost to accommodate 9 dwellings and associated infrastructure would not be significant in this context.
41. I am aware that the appeal site falls within the Neighbourhood Plan designated area. However, a draft Neighbourhood Plan for the area has not yet been prepared for consultation and hence prematurity would not be a justified reason for refusal of planning permission. Indeed, any such argument would not satisfy the requirements of paragraphs 49 a) and b) and 50 of the Framework.
42. Dolphinholme Residents Association have raised concerns about whether secondary school place and health care provision would be adequate based on additional residents in the area. I have not been provided with any objective evidence to suggest the existing health provision would be inadequate. I note that a financial contribution towards enhanced secondary school places would be provided as part of the completed planning obligation which relates to the provision of 27 dwellings across the two sites.
43. Other issues raised by other interested parties have been addressed elsewhere in this decision. I do note that the local planning authority has offered pre-application advice in respect of a number of residential proposals on the appeal site. However, I am not bound by advice given by the local planning authority and have determined this appeal on its individual planning merits.
44. None of the other matters raised alter or outweigh my overall conclusion that the proposal would deliver a sustainable form of development.

Planning Obligation and Conditions

Planning obligation

45. A completed planning obligation (i.e. unilateral undertaking dated 12 November 2019) has been submitted as part of this appeal. This agreement has been revised and takes on board some earlier concerns raised by the Council relating to its content and drafting. The Council has confirmed that it raises no objection to the 12 November 2019 planning obligation in terms of its content or drafting.
46. The planning obligation would mean that any developer would be bound by the covenants and requirements of the completed planning obligation dated 29 November 2018 for the 'phase 1' adjacent site. The planning obligation would include the provision of a total of 40% of the 27 dwellings to be affordable housing; a requirement to pay towards two secondary school places; a requirement to pay a public open space financial contribution in accordance with the Council's Planning Advice Note – Open Space Provision within New Residential Development 2015 (or a successor document), and a requirement to set up a management company to manage/maintain the open space on the site. Furthermore, the planning obligation requires that the nine dwellings are not erected in isolation of the adjoining 'phase 1' eighteen residential units.
47. I am satisfied that the legal agreement is necessary to make the development acceptable and that it meets all of the planning obligation tests as laid out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.

Conditions

48. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
49. Planning permission is granted subject to the imposition of the standard reserved matters conditions. However, I have considered the proposal against paragraph 76 of the Framework and the Council's current housing land undersupply position. In this case, there is justification for imposing a two-year time period for submission of a reserved matters planning application rather than the default three-year time period.
50. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
51. In the interests of highway safety, it is necessary to impose a planning condition requiring the approval of a detailed scheme for the access road and to specify required visibility splays. In the interests of biodiversity, conditions are necessary requiring the submission of an environmental management plan; no site clearance between 1 March and 31 July, and the implementation of the ecological mitigation measures as set out in the appellant's ecological survey and assessment.
52. In order to avoid any localised flooding and in the interests of the living conditions of the occupiers of all properties, it is necessary to impose planning conditions relating to the submission and approval of details/the management of a sustainable urban drainage scheme and a foul drainage scheme.
53. Given the scale of the development, in conjunction with the residential development approved adjacent to the appeal site, it is necessary in the interests of the living conditions of the local community to attach a condition which ensures the provision on-site public open space. In the interests of the character and appearance of the area and to reduce the risk of any localised flooding, it is necessary to impose a planning condition relating to the approval of finished floor and site levels.
54. In order to improve the accessibility credentials of the site, and in particular to encourage walking, conditions are necessary relating to the submission and approval of an off-site highway scheme of improvements and a footpath connection to the public right of way to the north of the site.
55. In the interests of the character and appearance of this countryside location, it is necessary to include a condition which controls the details of all external lighting on the site and that the development is carried out in accordance with the submitted Arboriculture Implications Assessment produced by Richard Eaves.
56. A condition is necessary which requires each of the dwellings to have a vehicle electric charging point: this would reduce carbon emissions and encourage the use of more sustainable modes of private transport. Finally, and in the interests of controlling the effect of future development on the character and appearance of this countryside location, there is exceptional justification for removing specified permitted development rights.

Planning Balance and Sustainability

57. I have found that whilst there are some day to day facilities and services within Dolphinholme, and that walking routes to and from the village/primary school would be improved by means of the imposition of a planning condition, the vast majority of day to day journeys would likely be to other settlements and would take place using the private motor vehicle. Indeed, the evidence before me indicates that there are currently no public transport services (other than for school children) operating to and from the village. In this regard, there would be some environmental harm caused as a result of the reliance on the private motor vehicle for many trips and hence the relatively limited accessibility credentials of the appeal site. In addition, I have found that some harm would be caused to landscape character and the general character and appearance of the countryside.
58. The above harm, however, needs to be weighed against the fact that the adopted development plan for the area (i.e. Policy DM42 of the DM DPD) does support additional housing in the village of Dolphinholme and that the proposal would significantly boost both affordable and market housing in the area. In addition, there would be some associated economic benefits. These are matters to which I afford significant weight in the overall balance, particularly given the significant shortfall in housing land supply.
59. There is no dispute between the parties that the proposal would not lead to the erection of isolated homes in the countryside, particularly as only one comprehensive development of 27 dwellings would be permitted to be built out across the wider site as per the completed planning obligation submitted as part of this appeal. Furthermore, the proposal would at least maintain the vitality of facilities and services in the village and there is potential, in conjunction with the approved neighbouring residential development, for such development to enhance facilities and services both in the village and elsewhere. The potential enhancement of the rural community of Dolphinhole may, in time, extend to an improved public transport offer, noting the appellant's undisputed comment that there used to be a public transport service in the village.
60. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would be significantly and demonstrably outweighed by the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would deliver a sustainable form of development.
61. In reaching the above conclusion, I am aware that the emerging development plan for the area is drafted in such a way that Dolphinholme would not be classed as sustainable rural village. However, the relevant policies in emerging development plan are not yet adopted and so have less weight than I afford to the adopted development plan policies. This is not therefore a matter that would alter or outweigh my overall conclusion above.

Conclusion

62. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

1) No development shall commence until approval of the details of the layout, scale and appearance of the building(s), and the landscaping (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing. A valid application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun either before the expiration of 2 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2) The development hereby permitted shall be carried out in accordance with the following approved plans with only the red edge and the access position approved, all other matters shall be treated as illustrative only: GA1984-PSP-01 and GA1984-LP-01.

3) No development, site preparation/clearance or demolition shall commence until full detailed plans, including constructional details of the access road and connection to the existing highway (where appropriate), have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development hereby permitted shall be occupied or brought into use until the vehicular access hereby approved has been constructed in accordance with the approved plans and is available for vehicular use. Furthermore, no part of the development shall be occupied or brought into use until visibility splays measuring 2.4 metres by 100m in a westerly direction and 103m in an easterly direction along the nearer edge of the carriageway of Abbeystead Road are provided to the satisfaction of the Local Planning Authority. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.

4) No development, site preparation/clearance or demolition shall commence until a construction environmental management plan (CEMP: biodiversity) has been submitted to, and approved in writing by, the local planning authority. The CEMP (Biodiversity) shall include the following; a) Risk assessment of potentially damaging construction activities; b) Identification of "biodiversity protection zones"; c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person; and h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

5) No development (other than site preparation/clearance and demolition) shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- A timetable for implementation, including phasing as applicable;
- Site investigation and test results to confirm infiltration rates, where applicable;
- Details of water quality controls, where applicable. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

6) No development (other than site preparation/clearance and demolition) shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;
- Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as (i) on-going inspections relating to performance and asset condition assessments; (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and,
- Means of access for maintenance and easements where applicable. The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

7) No development (other than site preparation/clearance and demolition) shall commence until details of the foul drainage system have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall not be

occupied or brought into use until the approved details have been fully implemented. The foul drainage system shall be retained and maintained at all times thereafter.

8) No development (other than site preparation/clearance and demolition) shall commence until details of the finished floor and site levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

9) No development (other than site preparation/clearance and demolition) shall commence until a scheme for the provision of on-site open space has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development hereby permitted shall be occupied or brought into use until the approved scheme has been fully implemented and completed in accordance with the approved details.

10) No development, site preparation/clearance or demolition shall commence until a scheme of off-site highway improvements has been submitted to, and approved in writing by, the Local Planning Authority. The improvements to be included are:

- Review of existing street lighting arrangements along Abbeystead Road, upgrading and extending where appropriate;
- Upgrade / extension of existing pedestrian footway provision along Abbeystead Road; and
- Pedestrian improvements between the site and the village school, including cutting back and clearing encroaching vegetation and measures to address the pinch point at the junction of Abbeystead Lane and Wagon Road.

No part of the development hereby approved shall be occupied until the approved scheme has been fully implemented and completed in accordance with the approved details.

11) No development (other than site preparation/clearance and demolition) shall commence until a scheme for a connection from the site to the public right of way to the north of the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development hereby permitted shall be occupied or brought into use until the approved scheme has been fully implemented and completed in accordance with the approved details.

12) Notwithstanding the details indicated on the approved plans and supporting documents, no development (other than demolition and site clearance/preparation) shall commence until details of all the external lighting have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details and retained as such at all times thereafter.

13) No dwelling hereby permitted as part of the development shall be occupied or brought into use until its own associated vehicle electric charging point has been fully installed and is available for use. These facilities shall thereafter be kept available for their approved purpose at all times.

14) No vegetation clearance or site activity shall occur from 1st March to 31st July (inclusive) unless a site walkover carried out by a suitably qualified ecologist who is accompanied by an ecological representative of the local planning authority

previously concludes that such works can occur without adversely affecting nesting birds and the Local Planning Authority agrees in writing with this conclusion.

15) The development hereby permitted shall be constructed in accordance with the mitigation measures contained within the approved Flood Risk Assessment and Drainage Strategy reference 15-B-10695/Revision E dated 24 July 2018. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times thereafter.

16) The development hereby permitted shall be implemented in full accordance with the approved ecological mitigation measures set out in Ecological Survey and Assessment by ERAP (Consultant Ecologists) Ltd ref: 2017-226 dated July 2017. Where required by the approved mitigation, the measures shall be retained and maintained within the development at all times thereafter.

17) The development hereby permitted shall be carried out in accordance with the submitted Arboriculture Implications Assessment, produced by Richard Eaves, reference no.4062, updated July 2018 issue 5. In particular the approved protection measures shall be fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

18) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development under Parts 1 and 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.