



Appeal Decision

Hearing Held on 3 September 2019

Site visit made on 3 September 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/Z4718/W/19/3229696

Land off Carr Top Lane, Golcar HD7 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Brierstone Carr Top Ltd. against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/61/92848/W, dated 31 August 2018, was refused by notice dated 30 November 2018.
 - The development proposed is Reserved matters application for erection of 19 dwellings pursuant to outline permission 2015/90507 for outline application for residential development (within a conservation area).
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout, and scale, details submitted in pursuance of condition Nos 1 and 2 attached to planning permission Ref 2015/90507 dated 9 September 2016. The approval is subject to the conditions set out in the attached schedule.

Application for Costs

2. At the Hearing, an application for costs was made by Brierstone Carr Top Ltd against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development set out in the banner above has been taken from the appeal form rather than the original application form. This is because it is a more precise description and I note that it was amended in the same manner by the Council when determining the proposal. In making this change, I am satisfied that it does not affect the interests of the main parties.
4. Since the determination of the application, the Kirklees Local Plan, Strategy and Policies (February 2019) (LP) has been adopted and the relevant policies against which the appeal should be assessed is common ground between the parties. The appeal site is also allocated for housing within the Kirklees Local Plan Allocations and Designations (February 2019).

5. The appeal site was granted outline planning permission for residential development in 2015¹. As part of that permission, all matters other than access were reserved for future consideration. Subsequent to the outline permission, reserved matters approval was granted in 2017 for the erection of 16 dwellings² and that development has commenced. In addition, an application to remove conditions 5 and 6 from the original outline permission was made in June 2018³. These conditions relate to the provision of public open space (POS) and affordable housing, and the application sought their removal on the basis of viability. The application was accompanied with a financial appraisal which concluded that the development was unviable but the application was refused.

Background

Unilateral Undertaking

6. The proposal was partly refused due to its lack of provision of affordable housing and POS. Consequently, in advance of the hearing, it was the intention of the parties to provide a completed agreement under Section 106 of the Town and Country Planning Act 1990. The evidence suggests that this would have taken the form of 2 separate agreements. In relation to the POS, the first agreement would have related to the existing reserved matters consent for 16 dwellings and the payment of a POS contribution of £86,421. The second agreement would require the payment of a 'top-up' sum of £7,935. In total, a POS contribution of £94,356 would be paid across the 2 developments. The agreements would also have made provision for 3 affordable houses. Despite these intentions, the agreements were not completed in advance of the hearing.
7. Since the hearing, and in accordance with an agreed deadline, a draft Unilateral Undertaking (UU) has been submitted. This makes provision for the full POS contribution as well as 3 affordable houses. However, it remains in draft form due to concerns from the Council in relation to the phasing of payments for the POS contribution, as well as in relation to the proposed affordable housing units. Due to its draft form, the UU has not been afforded any weight in my assessment of the appeal.

Viability

8. As identified above, the site benefits from outline planning permission for the erection of 16 dwellings but a financial appraisal in relation to that permission concluded that the development was unviable. In addition, a further appraisal for the appeal scheme on behalf of the appellant arrives at the same conclusion.
9. Based on the evidence before me, the appellant considers the benchmark land value (BLV) of the appeal site to be £1.05 million. This value is taken directly from the DCLG document 'Land value estimates for policy appraisal' (December 2015). However, this document is clear that the values are based purely on desk-based assumptions and do not include policy compliant planning obligations. In addition, the document states that the figures provided are appropriate to a single, hypothetical site and should not be taken as appropriate for all sites in the locality.

¹ 2015/60/90507/W

² 2017/61/91173/W

³ 2018/92044

10. The DCLG document does provide some consistency in relation to levels for profit, professional fees, marketing costs and finance costs, however, the rest of the information is not site specific. Consequently, due to the desk-based approach and because development costs associated with policy compliant proposals have not been factored in, I attach very little weight to the appellant's BLV.
11. The Council's appraisal of the 16 unit scheme suggests that the BLV should be based on values of between £110,000 to £220,000 per acre. Given the size of the site at 0.72 hectares (1.78 acres), the BLV is therefore suggested to be in the region of £195,800 to £391,600. The BLVs provided by the two parties are therefore significantly removed from each other. However, despite this large divergence, both sets of evidence conclude that when factoring in policy compliant planning obligations, the residual land value (RLV) of the 16 unit scheme provides a negative value. The Council's consultant initially arrived at a figure of -£389,306 and the appellant has provided a figure of -£301,099.
12. Much of the reason for the negative RLV relates to the abnormal construction costs that are due to the sloping topography of the site. The levels are such that they require the provision of retaining walls and piled foundations, as well as increased costs in relation to drainage. When querying these costs, the Council's advisors were satisfied with the information received and as a consequence, the RLV reduced to -£426,640. Notwithstanding this advice from their independent consultant, the Council did not endorse their conclusions. In addition, the Council did not seek advice in relation to the findings of the appraisal for this development which the appellant suggests has a policy compliant RLV of -£188,454.
13. The Council consider that because the development has commenced and because the viability of the scheme was not raised at any previous stage, including when the site was promoted for allocation in the LP, the scheme is unlikely to be unviable. Moreover, it is suggested that because the current proposal would likely yield a larger gross development value, it is less likely to be unviable than the 16 unit scheme.
14. The Planning Practice Guidance (PPG) provides clear advice in relation to the viability of development. It confirms that it is the responsibility of site promoters to engage in plan making and to take into account any costs, including risk, to ensure that proposals for development are policy compliant. However, it also states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include instances where further information on site costs is necessary.
15. The abnormal costs of the construction work place a financial burden on the development. Whilst such matters could perhaps have been raised earlier in the promotion of the site, there is nothing in the evidence that suggests that these abnormal costs are unreasonable. Furthermore, despite the Council disagreeing with the conclusions in relation to the viability of the scheme, no compelling evidence has been provided to support or substantiate their views. Instead, their views appear to be primarily based on assumptions and assertions that the development is viable because work is ongoing. Although work continues on site, this by itself cannot be used as a reason to ignore viability evidence that has been independently scrutinised. Development

viability is a complex matter and a commercial decision of a developer to continue work on site should not indicate that the findings of a financial appraisal should be automatically questioned.

16. The financial evidence before me has different inputs and costs and the appraisals seek to benchmark against wildly different values. However, the RLVs provided in both sets of evidence demonstrate that the proposal is not a viable proposition. The PPG is quite clear in the way that viability should be assessed. Whilst it was done later than might be expected, and despite my reservations with the BLV, based on the evidence before me, I am satisfied that the appellant has conducted their appraisal in the correct manner. Furthermore, the independent advice provided to the Council also adds weight to my findings that the development is not viable. Consequently, based on the evidence that I have before me, I am satisfied that the development is not financially viable. I have therefore assessed the proposal on this basis.

Main Issues

17. The main issues are:

- i) whether the proposal would make suitable provision for affordable housing, having regard to the requirements of the development plan;
- ii) whether suitable provision is made for POS, having regard to the financial viability of the proposed development, as well as the requirements of the development plan, and if not, the effect of any lack of provision;
- iii) whether the proposal would preserve or enhance the character or appearance of the Golcar Conservation Area (CA);
- iv) the effect of the proposal on local ecology and biodiversity.

Reasons

Affordable Housing

18. Policy LP11 of the LP states that all proposals for housing must aim to provide a mix, including size and tenure, of housing suitable for different household types, taking into account the latest evidence of the need for different types of housing. On developments of more than 10 homes, the policy also requires that 20% of the total units are made available as affordable housing. Despite 20% of 19 units being 3.8, it is common ground that to provide a policy compliant level of affordable housing, the development should provide 3 affordable houses. In addition, in advance of the hearing, it was common ground that the houses could be provided through a Starter Homes model.
19. As identified above, I have found that a policy compliant development would prove unviable for the appellant. However, notwithstanding this position, it was common ground at the hearing that 3 affordable houses would be provided on site. Indeed, from the evidence before me, the appellant has not challenged the need to provide affordable housing as part of this proposal. Moreover, although only in draft form and attracting no weight, the UU makes it abundantly clear that the appellant is willing to provide the necessary houses.
20. As identified above, despite the intentions of both parties at the hearing, a completed legal agreement or undertaking has not been presented to me.

Based on the evidence before me, this is primarily due to a disagreement between the parties in relation to the size of units that would be made available for affordable housing.

21. In advance of the hearing, it was the intention that plots 3, 4 and 5 would be provided as affordable housing. These would be 3 bedroom houses. However, following the hearing, the appellant sought to amend the provision from the 3 bedroom properties to 2 bedroom properties, specifically plots 17, 18 and 19. The Council have not agreed to this request, stating that such an approach would reduce the overall floorspace given over to affordable housing on the site. Moreover, they suggest that the tenure should be revisited due to the reduced floorspace.
22. Although the Council has been generous in their interpretation of what constitutes 20% of the units on the site, there is nothing in Policy LP11 that relates to overall floorspace. The policy simply relates to a percentage of the total units. In my view therefore, the approach advocated by the Council has no basis in policy. Moreover, the policy states that a lower proportion may be acceptable where viability evidence may prejudice the implementation of the proposal. Therefore, despite the reservations identified by the Council, I afford them little weight.
23. The provision of affordable housing is an important public benefit. Consequently, its provision is a material consideration that weighs heavily in my assessment of the appeal. Whilst I have no completed UU before me, at the hearing, the parties were of the view that in the absence of a completed legal agreement, the relevant matters could be secured through compliance with condition 6 of the outline consent.
24. Advice within the PPG states that using a condition to secure a legal agreement is unlikely to be appropriate in the majority of cases as such an approach lacks sufficient clarity for the parties as well as lacking transparency. However, in this instance, the outline consent already contains such a condition, and as a proposal to agree the reserved matters, this condition, and the principle that it establishes, cannot be revisited. Although there is disagreement in relation to the specific affordable housing offer, the number of houses to be provided is common ground. Consequently, based on the evidence before me, I am satisfied that the circumstances are such that the existing condition provides an acceptable mechanism through which to secure the necessary affordable housing.
25. I therefore conclude that the proposal would make suitable provision for affordable housing. It would therefore accord with Policy LP11 of the LP which requires development to provide affordable housing.

Public Open Space

26. Policy LP63 of the LP states that new developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area. However, the policy also confirms that evidence in relation to financial viability can affect the provision of open space. The proposal would not include any usable open space and consequently, it is the expectation of the Council that to mitigate the effect of the development, and to comply with policy, a financial contribution is necessary.

27. The policy justification for Policy LP63 states that the overall provision of open space in Kirklees is generally good, although it also suggests that the distribution of sites is not evenly spread throughout the district. At the hearing, the Council suggested that the contribution would be used to fund replacement play equipment at the nearby Two Furrows Recreation Ground. However, based on the evidence that I have before me, I am not aware of a specific scheme that the contribution would be put towards or any specific shortfall in the existing provision. In addition, the evidence is not clear how the contribution was actually derived or how it would be spent. Consequently, I have no compelling evidence before me which confirms the need for the contribution.
28. Regardless of the above, it is the position of the appellant that the current proposal provides a negative RLV, and for the reasons identified above, this is a conclusion with which I agree. Consequently, even if I found that the POS contribution was necessary to make the development acceptable, it would not be forthcoming. The policy confirms that the viability of a development can influence the requirement to contribute towards the improvement of existing provision. Therefore, whilst the proposal would not make provision for POS, this is an approach that is supported by policy. Furthermore, there is nothing in the evidence before me to confirm that by not making the contribution, the development would be so harmful as to warrant the withholding of permission on this matter.
29. Therefore, for the reasons identified above, although the proposal would not make provision for POS, I conclude that this would not give rise to any adverse impacts due to existing provision in the area. Accordingly, it would comply with Policy LP63 of the LP which requires new housing development to contribute towards new open space or the improvement of existing provision in the area, unless the development clearly demonstrates that it is not financially viable.

Effect on CA

30. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
31. Within its evidence, the Council has provided a report which analyses the CA. Whilst it is not formally identified as a conservation area appraisal (CAA), it is akin to such a document and consequently, for the purposes of this appeal, I have treated it in this manner. The CAA states that the character of the CA is largely derived from its location and setting, likening it to an Italian hill village due to its topography, and organic form. It is common ground that much of the significance of the CA derives from this location and the topography.
32. The CAA states that the urban grain of the CA is characterised by small linear plots which dictated the overall design of many of the buildings within the area. Furthermore, whilst not explicitly stated within the CAA, the Council considers that the orientation of houses following the contours of the land is another notable feature of the CA. Whilst this is indeed a notable feature, long views towards the site also demonstrate that there are examples of buildings that run perpendicular to the prevailing contours. Indeed, there are many examples of gable ends with their ridges appearing to run down the slope rather than across it, including a small residential development immediately to the south east of the appeal site. Consequently, whilst the predominant feature of the built form is buildings running with the contours, there are examples of buildings that are

- sited contrary to this. Moreover, where these buildings exist, in my view, they continue to contribute to the organic form of the village identified within the CAA. Accordingly, they do not harm or detract from the character or appearance of the CA.
33. The development would introduce 19 dwellings onto the site. The proposed access road would enter from the north east corner and run diagonally into the site. The proposed layout would see houses bounding both the northern and southern boundaries of the site and in this respect, they would follow the contours of the land. Plots 8 and 9 would follow the alignment of the proposed access road and plot 10 would be located to the south of these diagonally sited properties. The Council raises no objection to these parts of the proposed layout and they are consistent with the existing reserved matters approval.
34. The Council's concerns relate to plot 16, a detached dwelling, and plots 17, 18 and 19 which form a terrace of 3 houses that would run perpendicular to the topography of the site. These units would be located relatively centrally within the development. Furthermore, due to the proposed road layout the units would be somewhat removed from the built form to the north and south of the site. As a consequence, they would be clearly visible when considered as part of the long views towards the CA.
35. Despite this, plots 16 – 19 are part of a bigger development and in long views, they would be experienced as part of the broader layout. As identified above, this includes a number of houses which are sited so that they run against the contours of the land. Consequently, although plots 16 – 19 would be a clear feature of the development, due to the organic grain of the CA, they would comfortably assimilate with its prevailing character and appearance.
36. The proposal would not include any identifiable open space. Instead, the space around the buildings would be defined by the roads, parking spaces, front and side gardens and private amenity space. Within the CA, open space is primarily incidental. Long views do not reveal expansive areas of open space, and instead the organic form of buildings and the presence of mature trees are the prevailing characteristics.
37. The CAA confirms that the village has little formal public space but it does identify the importance of mature trees and gardens that are visible from the public realm. The proposal would retain the mature trees to the south and west boundaries of the site. Furthermore, there are landscaping opportunities to the front of the houses. Consequently, I am satisfied that the proposed layout would complement the prevailing character and appearance of the CA.
38. For the reasons identified above, I conclude that the proposal would preserve the character and appearance of the CA. It would therefore accord with Policies LP2, LP24 and LP35 of the LP. Taken together, these policies promote good design that has regard to form, scale, layout, and details, and which protects, respects, preserves or enhances the qualities which contribute to the character of an area.

Ecology

39. Policy LP30 of the LP states that development proposals will be required to, amongst other things, minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity

enhancements and habitat creation where opportunities exist. In this respect, it is entirely consistent with the Framework which states at paragraph 170d, that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for, biodiversity.

40. However, the site already benefits from outline planning permission and condition 23 of that permission relates to biodiversity considerations. It states that no development shall take place until a Landscape Management Plan (LMP) has been approved by the Local Planning Authority. It also states that the LMP shall extend to the protected and retained tree cover to the south and west of the site and that it shall incorporate the planting of native species, the installation of a variety of bird boxes, and the installation of bat tubes. The reason given for the condition is in the interests of retaining and enhancing the biodiversity of the site, however, the condition does not require a specific net gain in biodiversity.
41. The proposal has been accompanied by a Landscape plan however, its content is limited, and the parties agreed at the hearing that it could, and should, be strengthened should the appeal be allowed. Furthermore, based on the evidence before me, the landscape plan would be unlikely to provide a biodiversity net gain. In this respect therefore, the proposal would conflict with the local and national policy.
42. Despite this, and subsequent to condition 23 on the outline permission, the extant reserved matters approval requires details of biodiversity enhancement measures to be submitted prior to the commencement of development. I have no compelling evidence before me to confirm that if the appeal proposal were to be implemented, its effect on biodiversity would be materially different to the existing reserved matters approval. The reserved matters approval therefore represents a realistic fallback position that holds a significant level of weight in my assessment of the appeal.
43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Despite the apparent conflict with the development plan, the requirements of the outline permission and the clear fallback position provided by the existing reserved matters approval, represent material considerations of significant weight. Indeed, due to the development already taking place, I am satisfied that they outweigh the requirements of the development plan.
44. Therefore, for the reasons identified above, subject to a suitably worded condition, I conclude that the proposal would have an acceptable effect on local ecology and biodiversity.

Conditions

45. Due to my findings set out above, conditions are necessary in the interests of precision to list the approved drawing numbers. In addition, due to the location of the appeal site within a CA, conditions are necessary to agree facing materials and boundary treatments. Conditions 3, 4, and 5 are also necessary in the interests of safeguarding the existing trees on the site.

46. As identified above, a condition is necessary to ensure that the landscaping proposals are suitably robust, and therefore condition 7 replicates the requirements of the extant reserved matters approval. In addition, conditions 8, 9, 10 and 11 are necessary in the interests of highway safety.
47. Despite the concerns from the appellant in relation to condition 12, I am satisfied that the condition is necessary to promote alternative means of transport as well as the safe storage of bicycles. I am also satisfied that in light of the reserved matters that are being approved at this stage, the requirements of the condition suitably relate to matters of layout.
48. Condition 13 relates to a lighting strategy. Whilst such a condition does not exist on the extant reserved matters approval, and although a lighting scheme has been agreed through highway work approval, the condition is necessary due to the sensitivities of the site with specific regard to its location within a conservation area and its ecological value. Finally, condition 14 is necessary to ensure the development is provided with a suitable drainage scheme.
49. The relevant triggers for the conditions were all agreed at the hearing and are therefore common ground. Consequently, I have no compelling evidence before me to disagree with their requirements.

Conclusion

50. For the reasons identified above, the appeal should be allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby approved shall be carried out in accordance with the following drawing numbers: MI074 001 A; MI074-003 F; 2748/1 K; 2B-A; 2B-B; 2B-A1; 3B-A-P01; 3B-A-P02; 3B-B-P01; 3B-B-P02; 3B-C-P01; 3B-C-P02; 3B-D-P01; 3B-D-P02; 4B-A-P01; 4B-A-P02; 5B-A-P01; 5B-A-P02; Garage SG1; Garage (Plot 2); Garage DG1 except as may be required by other conditions.
2. Prior to superstructure works commencing (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) details and samples of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details so approved.
3. The development hereby approved shall be completed in accordance with the advice and directions contained in the Arboricultural Method Statement (JCA, ref: 13478-C/AJB). These measures shall be implemented and maintained throughout the construction phase and retained thereafter.
4. No additional work, beyond that agreed under this reserved matters consent, shall be carried out on any trees within the site without the prior consent in writing of the Local Planning Authority.
5. Before any materials are brought on site or development commences (except in relation to those aspects of the development that also form part of the 16unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) the developer shall erect protective chestnut paling or similar fencing around all trees, shrubs or hedges to be retained, to the branch spread of individual trees or groups of trees/shrubs. The applicant shall obtain the Local Planning Authority's written confirmation that the fence is satisfactory and shall maintain such fencing unaltered until the development is completed.
6. Prior to development commencing (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) details of all boundary treatments, including those to separate the site from 1 and 1A Carr Top Lane, and those to separate the domestic curtilages of the southernmost plots from the wooded bank adjacent to Brook Lane, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the details so approved.
7. Prior to development commencing (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) details of biodiversity enhancement measures for the entire site, including measures that will ensure a biodiversity net gain is achieved, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with an agreed timescale, and subsequently retained for the lifetime of the development.

8. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been marked and laid out with a hardened and drained surface in accordance with the Communities and Local Government and Environment Agency's "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the listed plans.
9. No development shall take place (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) until a scheme detailing the proposed internal adoptable estate roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on the approved plans and shall be retained thereafter.
10. Before development commences (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) details of storage and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.
11. Prior to the commencement of development (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) a scheme detailing the location (and including cross-sectional information together with the proposed design and construction details) of all new retaining walls adjacent to existing/adoptable highways (including any modifications to the existing highway retaining walls on C556 Brook Lane and Carr Top Lane and the supporting embankment) shall be submitted to and approved in writing by the Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.
12. Prior to the occupation of any part of the development hereby approved details of secure, covered and conveniently-located cycle parking for use by residents of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.
13. Prior to the commencement of superstructure works (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) a lighting strategy for the

entire site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

14. Prior to the commencement of works (except in relation to those aspects of the development that also form part of the 16-unit scheme granted Reserved Matters consent ref: 2017/91173 and where relevant conditions of that scheme have been discharged) a scheme detailing the location (and including cross-sectional information together with the proposed design and construction details) of all new surface water attenuation culverts/tanks located within the proposed highway footprint shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained for during the life of the development.

APPEARANCES

FOR THE APPELLANT

Carl Stott	nineteen47 Ltd
Dax Bradley	Brierstone Ltd

FOR THE LOCAL PLANNING AUTHORITY

Victor Grayson BA(Hons) MTP MAUD	DM Masterplanner
Julian Dawson BSc (Hons) MRICS	Housing Growth Manager
Tom Stephenson MSc MCIEEM	Biodiversity Officer

INTERESTED PERSONS

Cllr Richard Murgatroyd	Borough Councillor – Golcar Ward
Robert Dawson	Local Resident

DOCUMENTS SUBMITTED DURING THE HEARING

- 1) Map provided by the Council identifying long views towards the appeal site.
- 2) Map provided by the Council identifying areas within the CA that the Inspector was requested to visit as part of the site visit.

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1) Correspondence in relation to the discharge of conditions for 2015/90507 – dated 17 April 2019
- 2) GVA Viability Assessment – August 2018
- 3) Copy of correspondence referred to in Q10 of the Appeal Questionnaire
- 4) Draft Unilateral Undertaking and associated correspondence