



Appeal Decision

Hearing Held on 2 October 2019

Site visit made on 2 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/F2360/W/19/3230528

Land at Olive Farm and Land North of Methuen Drive, Methuen Drive, Hoghton, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Galliford Try Partnerships against the decision of South Ribble Borough Council.
 - The application Ref 07/2017/3843/FUL, dated 4 December 2017, was refused by notice dated 7 December 2018.
 - The development proposed is erection of 70 dwellings (including 18 affordable rent and 12 shared ownership properties) details of access, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for 70 dwellings (including 18 affordable rent and 12 shared ownership properties) details of access, landscaping and associated works at land at Olive Farm and land north of Methuen Drive, Methuen Drive, Hoghton, Lancashire in accordance with the terms of the application, Ref 07/2017/3843/FUL, dated 4 December 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of the original application was amended during the course of that application to change the number of dwellings proposed. For clarity, and for reasons discussed under conditions below, I have taken the description of development from the decision notice and appeal form, and further amended this to remove the words 'amended description' which is not a description of development.
3. The appellant submitted an amended site layout prior to the hearing to seek to remove two plots and acoustic fencing. The Council considered that the amendment would have removed three of the reasons for refusal. However, I heard concerns from interested parties about insufficient consultation, and the appellant's statement also refers to undertaking wider consultation prior to determination of this appeal. The appeal process should not be used to evolve a scheme and, mindful of the Wheatcroft principles¹, my decision is based on the plans before the Council when the application was refused.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

4. The Council has confirmed that the B2-Village Development Supplementary Planning Document (B2SPD) was adopted in September 2019.

Main Issues

5. The main issues are:
- the effect of the proposed development on the character and appearance of the area, with particular regard to development density and boundary treatment;
 - the effect of the proposed development on the living conditions of the occupants of Cuerdale Hey Farm, with particular regard to privacy and outlook, and the occupants of No 25 Methuen Avenue, with particular regard to outlook; and
 - whether or not a local need for the development requires to be demonstrated and, if so, whether or not that local need exists.

Reasons

Character and appearance

6. The appeal site comprises agricultural land on the periphery of Coupe Green. The surrounding area to the south-west and north-west of the appeal site is characterised by established residential development of predominantly detached dwellings, being a mix of single-storey, attic accommodation, and two-storey. Open farmland comprising designated Green Belt bounds the north-east and south-east. The steading range of Cuerdale Hey Farm, with kennels and cattery, is located approximately centrally along the north-eastern boundary, with the farmhouse close to the appeal site boundary. A public right of way (PROW) runs along the north-eastern boundary connecting Fox Lane to Horley. A number of mature trees are interspersed along the boundaries.
7. The effect of the proposed development would be to introduce a new development of around 29.5 dwellings per hectare, against an existing 25 dwellings per hectare in the locality. An appeal decision² for an earlier scheme at the same site found that 32.9 dwellings per hectare tipped the balance into being unacceptable. Whilst the current proposal still exceeds that of the locality, and in doing so includes some semi-detached units, it does reduce unit numbers and building-to-plot ratios, as well as providing for greater separation distances.
8. Whilst the Council asserts that denser developments are more often associated with the centre of settlements, rather than on the edge, such village centre developments would tend to be considerably denser than that proposed. Instead, I find it would be difficult for visitors to the proposed development to distinguish density between the existing and the proposed. The historic growth pattern and character of both would read as suburban residential and of similar densities. Overall, the rural fringe would not be substantially changed from what currently exists as the village boundary, in terms of density.
9. The provision of two-storey dwellings along the farm track would not be out of keeping with the mix of house types along Fox Lane, and would have minimal effect on any perception of density, notwithstanding that the previously dismissed scheme proposed four single-storey units at this location. Across the

² Appeal decision APP/F2360/W/17/3189313

wider site, the density appropriately reflects the location adjacent to the existing settlement. When considering the density of the proposal against paragraph 127 of the National Planning Policy Framework (the Framework), with particular regard to planning decisions not preventing or discouraging increased densities, I find that no harm would be caused by the proposal.

10. The effect of the proposed development upon the PROW, as experienced by walkers, would undoubtedly become more urban than rural. The length of the PROW subject to dispute, said by the Council to be 40 metres, would enter a comparatively narrow section between Cuerdale Hey Farm and plot 28. A substantial part of that 40 metres would comprise 2 metre high acoustic fencing, which I find would appear as little more than a typical garden fence. The width of the path would be greater than a standard footpath, albeit not of optimum width, and would have an element of natural surveillance from the farmhouse.
11. Although the higher 2.5 metre section of the fence would be less typical, any dominating effect would be substantially mitigated by, firstly, its short length along the rear garden of plot 28 only and, secondly, the fact that users would maintain some visibility of Fox Lane and the new estate road whilst walking through this section. The perception of the effect would be fleeting. I also note no objection from the rights of way officer and, overall, I find that, whilst other sections of the PROW are enhanced, the disputed section is adequately protected.
12. I conclude that the effect of the proposed development on the character and appearance of the area, with particular regard to development density and boundary treatment, would not be harmful. As such, the proposal would comply with policy 17 of the Central Lancashire Core Strategy (2012)(CLCS), policy G17 of the South Ribble Borough Council Local Plan (2015)(SRLP), design principle 6 of the Central Lancashire Design Guide Supplementary Planning Document, and paragraph 127 of the Framework. Together these require development to maintain the positive features of a place and reinforce locally distinctive patterns of development. The proposal would also comply with paragraph 98 of the Framework, which requires that planning decisions protect and enhance public rights of way.

Living conditions

13. The acoustic fence would be situated in front of the south-west facing kitchen window of Cuerdale Hey Farm. At a distance of approximately 4 metres and an indicated height of 2 metres along this section, with some ground raising, the Council suggest that the top of the fence would be 0.5 metres above the centre line of the window. Whilst the fence would clearly be evident and the development as a whole would clearly bring about a significantly different outlook from the window, a change in outlook does not in itself make the proposal unacceptable. From my observations on site, standing directly outside the window in question, the height of the fence would be only marginally higher than an average garden fence. Although the fence may be seen as an unbroken visual feature, such fences are not untypical in residential areas. As a consequence, I find that the proposed fence would not have an over dominant effect as experienced from within the window.
14. The proposed front elevation of plot 28 would be approximately perpendicular with the kitchen window at Cuerdale Hey Farm, at a distance said to be 11

metres. The Council consider that the proposed first-floor bedroom window would not be sufficiently acute to avoid overlooking the kitchen window. Nonetheless, my observation on site, from standing in the general position of the proposed window, albeit at ground level, was that the angle of visibility would be significantly restricted. Whilst I was able to see through the window, the dominant view is of the existing deep window return. As such, I find that the angle and window arrangement is such that any visibility into the kitchen would be very confined and indirect. Consequently, the proposal would comply with the South Ribble Residential Extensions SPD (RESPD) which, whilst generally applicable to house extensions, serves as a useful guide.

15. Furthermore, privacy is already compromised to a degree by the close proximity of the public right of way to the kitchen window, notwithstanding purchaser choice. The previous appeal decision for the site related to window relationships which, whilst similar, were materially different and, accordingly, my assessment is based on the merits of the current proposal. Overall, I find that privacy for the occupiers of Cuerdale Hey Farm would not be adversely affected to any material extent.
16. At 25 Methuen Avenue, the ground floor windows serving the kitchen/dining room and the attached sun-room are orientated towards proposed plot 48. Again, a similar relationship was considered as part of the earlier appeal, which the Inspector found would be overbearing on living conditions due to a separation distance of roughly 6 metres. Nonetheless, the current proposal has been amended such that the stated separation distance of between 13 and 13.5 metres now complies with or exceeds the RESPD insofar as it is relevant to this proposal. The Council highlight that the levels differential of 1.16 metres between the properties would increase the perception of an overbearing effect, however this difference is not such an unusual arrangement that such deviation from nominal standards is merited, even with proposed house type being of standard two-storey dwelling height.
17. I therefore conclude that the proposed development would not have a harmful effect on the living conditions on the occupants of Cuerdale Hey Farm, with particular regard to privacy and outlook, and the occupants of No 25 Methuen Avenue, with particular regard to outlook. Accordingly, the proposal would comply with policies B1 and G17 of the SRLP, policy 17 of the CLCS, and the RESPD insofar as it is relevant to this proposal.

Local need

18. Local need was not a matter of dispute during the appeal into the previous proposal for 78 dwellings (including 39 affordable units), nor was it a matter of dispute in the subsequent appeal. Rather, that Inspector concluded in general terms that delivery of dwellings would contribute positively to provision of open market and affordable homes, and boost the supply of housing in the Borough.
19. Notwithstanding this, the site is identified as being safeguarded by policy B2 of the SRLP to meet local needs. In identifying what local need may comprise, the policy makes reference to local affordable housing, amongst other uses, but is neither prescriptive nor prohibitive, notwithstanding any amendments to the policy during its examination. As such, the proposed residential development of market and affordable housing is not precluded. A further test that the proposed development cannot be accommodated within the existing built up area of the village is agreed as being met.

20. The justification for policy B2 is similarly broadly worded, requiring only a demonstration of the local need, but without defining the extent of 'local'. Notwithstanding, an assessment of local need is contained within the committee report and, despite the appellant's disagreement with such a requirement, detailed evidence was also submitted for the appeal.
21. The Council ultimately determined that a local need had not been demonstrated, suggesting local need assessment at postcode level. However, the Council's measurement of affordable housing interest is recorded at a wider neighbourhood level. That 43% of interest list applicants express interest in housing in the eastern neighbourhood, alongside the SHMA requirement of 235 units per annum across the Borough, clearly suggest an ongoing local need at those wider levels. Local need was further evidenced by the appellant at postcode level in their initial application submissions, and at ward level in the subsequent arc4 housing report. The existence of a wider local need at any of these levels is not in itself disputed by the Council.
22. Instead, the Council consider that affordable housing need will be met by two recent planning permissions at Brindle Road, Bamber Bridge, where 121 affordable units are anticipated to be provided. Allied to this, the Council have recently adopted B2SPD that adds further detail to Policy B2. This sets out guidance on how local need for housing should now be assessed at village level, specifically in this case through a Housing Needs Survey (HNS) for Coupe Green itself. This sets a higher bar of evidence than the evidence already provided on wider local need, and goes beyond the given reason for refusal.
23. The provision of 121 affordable units at Bamber Bridge relates to an urban area to the west of the rural Coupe Green. To the east, within the nearest rural comparator at Hoghton, a smaller village than Coupe Green and which only has a small amount of affordable housing, demand is recorded for 22 units. Within Coupe Green, there is no housing waiting list data available due to the absence of any existing social housing. At the hearing, the Council accepted that a potential need may exist within Coupe Green, however it had not yet been proven. In addressing this, the appellant argued that, whilst the arc4 report has not been prepared at village level, it uses data sources covering the village.
24. Given these factors, and given the evidence on a wider local need on an ongoing basis of 235 units per annum, it is not rational to surmise that Coupe Green could be a pocket of no-need that could not contribute to that ongoing wider local need, notwithstanding whether the Council considers it is meeting self-set targets for affordable housing. As a result, I find that an HNS is not necessary in this particular instance. Consequently, whilst I give significant weight to the recently adopted B2SPD, any harm to this new guidance is outweighed by the substantial benefits of increasing affordable housing provision towards the ongoing wider local need.
25. Concerns have also been raised that any such affordable housing would not necessarily be available to local residents. However, this would be addressed by condition requiring occupancy criteria to be provided and the means by which such occupancy criteria would be enforced. Fears were also expressed about the loss of opportunity for any as yet identified future local need, however, I am required to determine the proposal now before me.
26. Overall, I conclude that a local need for the development requires to be demonstrated and that a local need exists. As such, whilst there is a degree of

conflict with the guidance contained within the newly adopted B2SPD, the proposal complies with policy B2 of the SRLP.

Other matters

27. The Council's five-year housing supply is a matter of dispute between the main parties, both of whom have provided detailed submissions and evidence. Notwithstanding these positions, I have found that the development accords with an up-to-date development plan. Consequently, it is not necessary for me to consider paragraph 11(d) of the Framework, or reach a conclusion on housing land supply.
28. Video evidence was presented to the hearing of surface water flooding events that were said to have occurred recently at properties along Fox Lane, following heavy storms. Evidence was also heard from third parties that similar events have occurred in the past and that this is an ongoing existing scenario. Nonetheless, the proposals would incorporate sustainable drainage systems such that run-off would be no worse than existing. With appropriate conditions attached, the development would be unlikely to exacerbate surface water flooding in storm conditions such as those captured in film.
29. With regard to the impact of an increase in traffic, the previous appeal decision concluded that there would be no adverse effect on existing residents' living conditions. As the current proposal is for a lesser number of dwellings, and consequently lesser traffic movements, I see no evidence that would cause me to reach an alternative conclusion. Furthermore, a detailed transport assessment assesses traffic levels, accident data, and the capacity and capability of the existing road network to accommodate the development, including larger vehicles. This raises no concerns from the Council. As such, I find there would not be an unacceptable impact on highway safety, and the residual cumulative impacts would not be severe. The existing condition of local roads is not a matter for this appeal, which can only consider the impacts of the current proposal, and construction works could be appropriately managed by condition.
30. Whilst there would be a potential increase in pedestrian use of PROW along the farm track, any conflict with farm traffic is likely to be minimal given the likely low speed of traffic. Although there is no evidence to suggest this agricultural field contains protected species, wildlife would be protected through relevant conditions. Concerns have also been raised that local infrastructure, including education facilities, could not cope with the additional development. However, the evidence indicates that the Council's adopted Community Infrastructure Levy Charging Schedule would require the proposed development to make appropriate contributions to infrastructure, including primary schools.
31. Concerns raised regarding kennel dogs at Cuerdale Hey Farm being perturbed by residential noise and disturbance would be mitigated by the acoustic fence, such that the business would not be adversely affected. Whilst some overlooking of 25 Methuen Avenue would occur when standing in the proposed garden, this would be minimal, and general privacy would be protected by the proposed 1.8 metre fence and obscured glazing. Proposed ground level changes to the rear of Fox Lane and across the wider site will require to be addressed in precise detail by condition, notwithstanding 'concept' levels. I see no evidence why appropriate levels cannot be achieved.

32. The character of the proposed dwellings, foul drainage, proximity of dwellings to boundaries and impact upon light, sustainable transport availability, noise and air pollution, and health care provision are not determinative issues in this section 78 appeal, and I see no evidence to persuade me these matters are unacceptable, subject to relevant and appropriate conditions.

Conditions

33. A condition defining the plans is necessary in the interests of certainty. In order to ensure the development is in keeping with its surroundings, conditions are required concerning materials, site levels, landscaping, tree protection and the PROW. To protect living conditions, acoustic mitigation measures and a construction method statement are required. Conditions relating to emission rates and electric charging points are needed to minimise the effect of the development on the environment. In the interests of highway safety, conditions are imposed in relation to road standards, layout, parking and use of garages. To protect biodiversity, conditions are attached for enhancement measures and environmental management, and to prevent work during nesting. Conditions are also imposed to secure adequate drainage of the site.
34. A condition to secure affordable housing has been agreed between the main parties. At the hearing, neither main party considered that the agreed condition required the subsequent provision of a planning obligation, given the description of the development to be implemented. Both parties are also content the condition would secure delivery of the agreed affordable housing. Indeed, the Council indicated that whilst a planning obligation would offer a belt-and-braces approach, it was not necessary in this case. Furthermore, in the above-mentioned previous appeal at this site, the Inspector considered that planning conditions would secure the affordable homes. Given these particular circumstances, I am satisfied that, when reading this decision as a whole, the condition will not be read as requiring an obligation and will be effective in securing affordable housing.
35. No evidence has been submitted to suggest that conditions in respect of contaminated land are necessary. Pre-commencement conditions have been agreed by the appellant. Minor amendments have also been made to the wording of some conditions, and duplication removed, for clarity and to ensure accordance with the tests set out in paragraph 55 of the Framework.

Conclusion

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

Patrick Hanna

INSPECTOR

Appearances

FOR THE APPELLANT:

Ian Gilbert	Barton Willmore
Jonathon Peasant	Galliford Try Ltd
Karen O'Reilly	JDA Architects
Michael Bullock	arc4

FOR THE LOCAL PLANNING AUTHORITY:

Chris Sowerby	Development Planning Team Leader
Barrie Yates	Councillor
Rachel Peckham	Planning Policy Officer
Zoe Harding	Planning Policy Officer
Suzanne Blundell	Strategic Housing Officer

INTERESTED PARTIES:

Jim Marsh	Councillor
Peter Mullineaux	Councillor
John Bremers	Local resident
Barry Nickson	Local resident
Mary Nickson	Local resident
Rob Livesey	Local resident
Jean Livesey	Local resident
Susanne Higgins	Local resident
Andy Baker	Local resident
Jenny Sides	Local resident

Additional Evidence

1. B2-Village Development Supplementary Planning Document (September 2019)
2. Background to Reasons for Refusal (Cllr Barrie Yates)
3. Video evidence of surface water flooding at Fox Lane, Coupe Green (shown at hearing)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 938 A 000 (Site Location Plan); 938 A 002 Rev.W (Proposed Site Plan); 938 A 006 (Clyde Detached Unit); 938 A 009 (Bailey Special Detached Unit); 938 A 010 (Bailey with Calder Aspect Semi-Detached Unit); 938 A 011 (Bailey Special with Calder Aspect Semi-Detached Unit); 938 A 012 (Bailey Special Semi-Detached Unit); 938 A 013 (Bailey Semi-Detached Unit); 938 A 014 (Avon Semi-Detached Unit); 938 A 015 (303 Semi-Detached Unit); 938 A 017 (202L Semi-Detached Unit); 938 A 020 (Grainger Detached Unit); 938 A 021 (Goodridge

Detached Unit); 938 A 032 Rev. E (Boundary Treatment Plan); 938 SK011 Rev.C (Site Sections); 938 SK012 Rev.D (PROW Option 1); D6225.002I (Landscape Masterplan); VN70749-100 (Proposed Site Access).

- 3) No above ground works shall take place until specification details of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) All dwellings must achieve a minimum dwelling emission rate of 19% above the Building Regulations 2013. Prior to the commencement of the development, details shall be submitted to, and approved in writing by the local planning authority, demonstrating that each dwelling will meet the required dwelling emission rate. The development thereafter shall be completed in accordance with the approved details. No dwelling hereby permitted shall be occupied until a standard assessment procedure or an alternative proof of compliance (which has previously been approved in writing by the local planning authority) has been submitted to, and approved in writing by, the local planning authority, to demonstrate that the dwelling has achieved the required dwelling emission rate.
- 5) No development shall take place until a scheme for the delivery of the affordable housing hereby approved has been submitted to and approved in writing by the local planning authority. The affordable housing shall be delivered in accordance with the approved scheme (as shown on proposed site plan 938 A 002 Rev.W) and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (ii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - (iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.The affordable housing shall be retained as such in accordance with the approved scheme.
- 6) The acoustic fence and bund hereby approved and detailed on plans ref. 938 A 002 Rev W (Proposed Site Plan), 938 A 032 Rev E (Boundary Treatment Plan), 938 Sk 011 Rev.C (Site Sections) and 938 Sk 012 Rev. D (PROW Option 1) shall be completed in full prior to the first occupation of any of plots 20; to 28 inclusive, and the acoustic fence and bund shall then be retained and maintained thereafter.
- 7) The acoustic mitigation within chapter 5 of the submitted Noise Impact Assessment (ref. AC103805-1R4) dated 10th August 2018 shall be installed prior to the first occupation of the associated plot and shall then be retained and maintained thereafter.
- 8) No development shall take place until details of the landscaping of the earth bund opposing plots 20-26 and its maintenance have been

submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in the first planting season following completion of the development, or in the first planting seasons following first occupation, whichever is the earlier. Details submitted shall be compliant with 'BS 5837 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The completed scheme shall be maintained in accordance with the approved scheme of maintenance.

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement 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 noise, dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from construction works;
 - (viii) delivery and construction working hours.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10) Prior to the first occupation of any dwelling, that dwelling shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
- 11) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 12) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a timetable for its implementation; and,
 - (iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 13) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 14) No development shall take place until details of the standards, specification and layout to which the estate roads and site access serving the development are to be constructed have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the roads have been constructed in accordance with the approved details.
- 15) No dwelling shall be occupied until their respective car parking spaces have been surfaced in accordance with a scheme to be approved in writing by the local planning authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved scheme, and thereafter kept available at all times for these purposes.
- 16) All the trees and hedges shown on the landscaping plan [D6225.002I] as being retained and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 17) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 18) No development shall take place (including ground works) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- (i) Risk assessment of potentially damaging construction activities;
 - (ii) Identification of biodiversity protection zones;
 - (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impact during construction;
 - (iv) The location and timing of sensitive works to avoid harm to biodiversity features;
 - (v) The times during construction when specialist ecologists need to be present on site to oversee works;
 - (vi) Responsible persons and lines of communication;
 - (vii) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - (viii) 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.
- 19) No work to clear vegetation within the site, no tree removal, and no other works that may affect nesting birds shall take place between 1 March and 31 August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections, and written approval has been given by the local planning authority.
- 20) Prior to the commencement of development details of biodiversity enhancement measures to be undertaken within the site shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the provision of bat boxes, bird boxes, insect houses and site permeability for wildlife. The agreed scheme shall be implemented in full within a timeframe to be agreed in writing with the local planning authority and retained and maintained thereafter.
- 21) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 22) Prior to the commencement of development, a scheme and programme for the maintenance of the section of Public Right of Way Footpath 108 within the site shall be submitted to the local planning authority for approval in writing. Thereafter, maintenance shall be carried out in accordance with the agreed scheme.

End of Schedule