



Appeal Decision

Hearing Held on 27 November 2019

Site visit made on 27 November 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/W1850/W/19/3232124

Land south of Church Road, Brampton Abbots, Ross-on-Wye, Herefordshire

- 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 Mr Adam West against the decision of Herefordshire Council.
 - The application Ref 163755, dated 23 November 2016, was refused by notice dated 2 January 2019.
 - The development proposed is construction of no.10 residential dwellings, no.10 car ports & no.2 garages and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of no.10 residential dwellings, no.10 car ports & no.2 garages and associated works at Land south of Church Road, Brampton Abbots, Ross-on-Wye, Herefordshire, in accordance with the terms of the application, Ref 163755, dated 23 November 2016, subject to the conditions in the attached schedule.

Applications for costs

2. At the Hearing an application for costs was made by Mr Adam West against Herefordshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Prior to the Hearing, the Council indicated that it no longer intended to pursue the reason for refusal relating to the sustainability of the site or the effect of the proposal on highway safety. The Council indicated that these aspects could be subject to conditions. Whilst no longer a main issue between the parties, I address these matters further below.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Wye Valley Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is an undulating paddock in use for livestock grazing. Its roadside hedge is in poor to variable condition and views into the site are easily obtainable from Church Road, adjacent to the site. The Oak Tree Nursery building and other dwellings line the eastern boundary and owing to the lack of garden depth and limited boundary vegetation, they appear to form an abrupt

transition from the built up part of the village to rural context. The dwelling known as Barcombe Grange marks the western end of the site's frontage and stands proud of its setting, with limited trees or landscaping around its boundaries.

6. The arrangement of dwellings in Brampton Abbots is generally clustered, with dwellings sited adjacent to the road. Whilst there are limited cul-de-sac arrangements, the village has numerous examples of semi-detached pairs or small clusters of dwellings, which, along with their boundaries or retaining structures, introduce a suburban quality to what is a semi-rural village. Dwellings take a variety of forms, with no one particular overriding type of style. The commonalities between dwellings in the area is generally limited to simple gabled forms, chimneys, pitched roofs and a use of red brick as an external walling material.
7. A footpath runs in close proximity to the south of the site. The appeal site is most apparent along the section of footpath where there is a gap in the hedgerow vegetation, but views are otherwise partially screened. There are existing dwellings that back onto the footpath at its western end which have a variety of boundary treatments, including fencing, which in some instances appear to form a hard edge to the footpath.
8. There are numerous other footpaths in the wider area, many of which I walked as part of my appeal visit. The appeal site is not particularly visible in more distant views from surrounding footpaths owing to topography and its enclosure by existing hedgerows and other dwellings to the east, west and south-west. Views from footpaths closer to the site are particularly limited unless viewers are on Church Road or very close thereto.
9. The site's frontage is formed from a hedgerow that is a characteristic feature of the Principal Settled Farmlands and Sollers Hope Ridges and Valleys landscape character areas. These areas are respectively defined in the Landscape Character Assessment SPG¹ and Wye Valley AONB Management Plan² (AONBMP). The particular hedgerow that would be lost in this case is poor quality and it would be replaced with a newer hedgerow, including stone wall, set behind a visibility splay.
10. The Council indicate that the proposal would introduce a layout of dwellings that is uncommon in Brampton Abbots because it would introduce a cul-de-sac arrangement of dwellings at the eastern end. However, the site is located centrally within the village and the development would extent along the site's frontage between the hard edges formed by existing dwellings. In this sense, the development would infill a gap between the existing built form of the village. The cul-de-sac extension on the eastern end would be minimal and would not be particularly apparent as an anomaly in the layout of dwellings within Brampton Abbots. The introduction of the public right of way beyond the vehicular turning head would ensure that the area has onward connectivity and would not strictly form a dead-end.
11. The proposal has been designed to maintain a good degree of set back from Church Road and also from the eastern boundary, with tree planting and soft

¹ Landscape Character Assessment Supplementary Planning Guidance (SPG) 2004

² Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan 2015 - 2020

landscaping forming a vital part of the integration of the scheme within its setting.

12. The proposal would also retain a smaller paddock to the south, maintaining a degree of separation from the closest footpath. There would also be another intervening hedgerow to be planted along the backs of the gardens to form another layer of mitigation screening to soften the impact of the proposal.
13. In terms of the losses of features characteristic of the landscape, the proposal would offset the loss of hedgerow by providing new hedgerows behind the visibility splay or elsewhere on site. The proposal would result in the partial loss of a paddock which constitutes a gap between dwellings in the settlement. However, for reasons of the location of the site, the interaction of existing neighbouring dwellings with the site and surrounding countryside, and also that it would leave a section to the south undeveloped, the proposal would not harm the landscape character or wider AONB characteristics.
14. I do not consider that the change of the settlement pattern from a more dispersed pattern with some linear aspects to a more nucleated settlement with its focus around Church Road would be particularly harmful. This is also in recognition that this road already has some dwellings that front onto the road from both sides and that the Church, Village Hall and Oak Tree nursery are located along or adjacent thereto.
15. The Council indicate that the visual impact of the proposal would be localised and I agree that this would be the case. The appeal site forms a minor part of wider views from where it can be seen, and this would not change even with the introduction of dwellings of up to two storeys in height.
16. From closer views, and particularly from along Church Road, viewers are aware of being within a village setting and the introduction of additional dwellings would not be harmful or obtrusive.
17. In the closest localised view from the south, the filtered views that would be obtainable would not be harmful, given the greater visibility of other existing dwellings sited in closer proximity. The gap in the hedgerow along this boundary would also be infilled to help mitigate the visual impacts where they would be more pronounced.
18. The design of the individual dwellings and their collective form and appearance, along with the garages and other associated boundary features, would assimilate well with the surrounding context. I note that many dwellings are unique and have evolved more organically, but to attempt to recreate such originality in a scheme of ten dwellings would be more likely to result in a contrived form of development. The traditional form of the proposed dwellings, albeit with some variation in storey heights and external materials, with simple repetition of commonly found features, including pitched roofs, chimneys, window detailing and canopied porches, would produce a coherent form of development that would retain the character of the area and wider AONB.
19. Although the boundary treatments proposed could be considered as utilitarian, they would reflect examples of similar examples of such boundaries in the surrounding area. It is also the case that the southern boundary is intended to be a post and wire stockproof fence with trees planted along its length in order to form a hedgerow.

20. Whilst I note that discussions about the suitability of the fruit trees to be planted in the southern hedgerow and the extent of visibility splay to be created were ongoing prior to and during the hearing, I consider that the landscaping scheme proposed would be comprehensive and appropriate to offset the impacts of the proposal. Whilst a reduced visibility splay may result in marginally less hedgerow being removed, I am mindful that this would result in a more fragmented approach to the northern boundary of the site and may negate any improvements to the highway layout that may otherwise be achieved. I have also borne in mind that the fruit trees are not typical in hedgerows, and are usually located within orchards. However, accepting that the trees are to be planted for softening and screening purposes to avoid the use of more urban boundary features, I consider that the tree species would be capable of establishing and suitable for this purpose.
21. In view of this main issue, the proposal would not harm the character and appearance of the area or the Wye Valley AONB. It would therefore accord with Policies SS6, RA2 and LD1 of the Herefordshire Core Strategy³ (Core Strategy). Read together, these policies collectively seek to ensure that new development makes a positive contribution to the surrounding environment and conserves and enhances the natural, historical and scenic beauty of important landscapes and features. The proposal would also accord with Policies WV-D2 and WV-D3 of the AONBMP which seek to resist inappropriate development in the AONB, and encourage high standards of design to ensure that development complements the local landscape character.

Other Matters

Special Area of Conservation – Appropriate Assessment

22. The appeal site is within the catchment area of the River Wye which is part of the River Wye Special Area of Conservation (SAC). The SAC is designated in accordance with the Habitats Directive as transposed in the UK by the Conservation of Habitats and Species Regulations 2017 (Habitats Regs).
23. As a residential proposal which will create wastewater, of both foul and surface varieties, that needs to be appropriately channelled and treated, there is a potential that it will contribute to changes in the nutrient levels within the SAC, with particular regard to the levels of phosphorus. Any proposal which by reason of its location within the catchment area of the SAC, that may result in the alteration of nutrients in the river from improper discharge of wastewater, is likely to have an adverse effect on the integrity of the SAC. As such, the proposal would be likely to have significant effects either alone, or in combination with other projects.
24. I have had regard to the conservation objectives for the SAC which are to ensure that its integrity is maintained or restored as appropriate, and ensure that it contributes to achieving the favourable conservation status of its qualifying features, which include valuable aquatic flora and fauna and a range of invertebrate, fish and birds. The conservation objectives of the SAC can be observed by maintaining or restoring the following:
- The extent and distribution of qualifying natural habitats and habitats of qualifying species;

³ Herefordshire Local Plan Core Strategy 2011 - 2031

- The structure and function (including typical species) of qualifying natural habitats;
 - The structure and function of the habitats of qualifying species;
 - The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
 - The populations of qualifying species; and,
 - The distribution of qualifying species within the site.
25. It is clear that the proposal is not directly connected with or necessary for the management of the SAC.
26. The only way of avoiding adverse effects on the integrity of the SAC without seeking an alternative solution would be to secure appropriate mitigation.
27. Whilst Natural England has advised that this particular catchment area is not failing its conservation objectives for phosphate, there is a need to implement measures to avoid any alteration in the phosphate levels in the SAC. In this case, mitigation measures include the provision of adequate drainage infrastructure to ensure that foul water flows are routed to the public sewer system and that all surface water flows are managed through a sustainable urban drainage system. The main parties agree that the mitigation measures are necessary to avoid the likelihood of significant effects and that these must be able to be relied upon over the full lifetime of the project.
28. During the construction of the development, surface water will need to be managed to ensure that it does not reach the SAC. To this end, a detailed construction environmental management plan (CEMP) will need to be adhered to throughout the construction phase until such time as the final drainage infrastructure is in place. The CEMP would ensure that the developer were responsible for managing surface water within the site through a phased regime as construction progresses and until it is completed. Subject to the submission of a detailed CEMP and its approval in writing by the Council prior to the commencement of any part of the development, and subject to the CEMP being implemented as approved throughout the construction phase, it would adequately avoid any effect on the integrity of the SAC. Should the developer fail to implement any specified measure within the CEMP, the Council would be capable of enforcing the condition, halting the construction phase until such time as the measure was adequately implemented.
29. In terms of foul water, it is envisaged that each dwelling will be connected to a system that routes to the public sewer network. However, at the present time, there is insufficient capacity within the existing network to accept the proposed dwellings. The statutory undertaker, Welsh Water, has indicated that the capacity to receive the proposed dwellings will be available on, or by the 1st April 2020.
30. A planning condition would prevent commencement of any part of the development until the final design of the drainage system were submitted to and approved in writing by the Council showing its connection to the existing foul drainage network, and a timetable for its implementation. The approval of these details would ensure that the developer and/or any nominated contractor would construct the system and ensure a fully functioning connection to the existing foul drainage network prior to first occupation of any of the dwellings.

The planning condition, which can be enforced by the Council, will ensure that no foul flows are discharged from the dwelling until after 1 April 2020, although it is highly unlikely that any dwellings would be constructed by that date in any event.

31. The Council would be responsible for enforcing the condition should the development commence prior to approval of the details or if the development were to proceed without compliance therewith. The planning condition also requires that the drainage scheme is retained for the lifetime of the development. Following its completion and adoption, Welsh Water would be responsible for ensuring that the foul flows were appropriately treated at the appropriate sewerage treatment plant in accordance with the relevant permits issued by the Environment Agency.
32. In terms of surface water, extensive surface water assessments have been undertaken and the conclusion is that it is possible to route attenuated surface water flows through a storage tank system to a nearby highway drain. The surface water system will need to be adopted by the drainage undertaker to ensure that it would be appropriately maintained following completion.
33. A planning condition would be added to prevent commencement of any part of the development until the final design of the surface water drainage scheme were submitted to and approved in writing by the Council along with a timetable for its implementation. The approval of these details would ensure that the developer and/or any nominated contractor would construct the system and ensure a fully functioning connection to the existing highway drainage network prior to first occupation of any of the dwellings.
34. The Council would be responsible for enforcing the condition should the development commence prior to approval of the details or if the development were to proceed without compliance therewith. The planning condition also requires that the drainage scheme is retained for the lifetime of the development. Following its completion and adoption, Welsh Water would be responsible for ensuring that the attenuated flows were appropriately treated at the appropriate treatment plant in accordance with the relevant permits issued by the Environment Agency.
35. Natural England has been consulted on the appeal application and more recently on the 24 January 2020 and agree that the use of planning conditions to secure the implementation of suitable drainage measures would be adequate to avoid adverse harm to the SAC. Natural England has no objection.
36. Subject to the imposition and adherence to conditions, the proposal would not adversely affect the SAC and would therefore accord with the Habitats Regs and Core Strategy Policies SD3 and SD4 which seek to conserve and enhance watercourses and riverside habitats by observing water quality targets through the treatment of wastewater.

General matters

37. I have taken into account the many objections submitted in respect of the proposal. Whilst this decision will be a disappointment to those interested parties, I have set out the reasons why the proposal is considered acceptable.
38. In respect of the sustainability of the site, I acknowledge that public transport services serving the village are limited. The nature of the connecting roads and

public footpaths into nearby Ross-on-Wye are also likely to inhibit opportunities to promote walking and cycling, although such journeys are possible. Notwithstanding this, Brampton Abbots is considered to be a village suitable for modest housing growth as identified by the relevant Local Plan policies despite the limited range of modal choices.

39. In respect of highway safety, I have seen no cogent evidence that there is an issue that would be exacerbated by an increase in vehicular movements along Ross Road and Church Road. The access to the appeal site has been adapted to suit the specific conditions of Church Road and includes the setting back of a hedgerow behind the requisite visibility splay. As such, the use of planning conditions would ensure the delivery of measures to maintain the safety of users of the highway.
40. A number of separate points were also made in respect of the proposal. In terms of the effects on the living conditions of occupiers of Barcombe Grange, the proposal is sufficiently distant and orientated so as not to generate any harm with particular regard to light pollution or overlooking.
41. In terms of the need for the proposal to provide a car park for use in association with Oak House Nursery, I do not consider it necessary or reasonable to seek to ameliorate an existing issue outside of the site that does not present a highway safety concern for the Council when considered with the proposed increase in vehicular movements.
42. I have not sought to establish the type of heating that would be employed for the dwellings as the potential number of oil tank deliveries, should they be necessary, would not be excessive nor harmful to highway safety given the scale of the development.
43. Whilst the proposal would provide an area of landscaping to the rear of Oak Tree Nursery and the adjoining dwellings, with additional tree planting, the legal protection of this as a 'buffer strip' is not a matter for the appeal. The plans indicate that the area is set aside for the provision of landscaping and a new footpath and conditions shall seek to ensure that it is appropriately maintained for these purposes.
44. I note that a number of correspondents have highlighted that the proposal would be detrimental to the ecological value of the site. Whilst the proposal would reduce the extent of pasture land, it would also significantly increase the number of trees across the site. Consequently, along with a condition that would secure other ecological enhancement measures, the overall effect of the proposal on biodiversity would be positive.

Planning balance

45. The Council acknowledges that it cannot currently demonstrate a 5 year supply of housing land and at the Hearing, agreed that the 'tilted' balance, set out in paragraph 11d) of the National Planning Policy Framework (the Framework) was engaged.
46. The application of the tilted balance involves granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole, unless where any specific policies in the Framework indicate that development should be restricted. The examples given in Footnote 6 of paragraph 11 include

landscapes designated as AONBs. The Council raised in the written evidence that the Monkill judgement is relevant in this context. The judgement advises that great weight to AONBs qualifies as a policy to be applied under Framework 11d)(i), and that Framework paragraph 172 can be used as a freestanding reason for refusal in non-major as well as major development in an AONB. It goes on to state that if Framework paragraph 11, footnote 6 provides a clear reason for refusal under paragraph 11d)(i), the tilted balance is irrelevant and must not be applied.

47. I have given regard to the need to conserve the landscape and scenic beauty of the AONB, as required by paragraph 172 of the Framework. I have found that there would be no significant adverse effects and that, therefore, the AONB would be conserved. Consequently, the policy does not indicate that permission should be refused. As such, I agree that the tilted balance is applicable in this instance.
48. I have identified landscape and visual changes that would occur on the appeal site and its localised surroundings. There would be partial losses of features characteristic of the landscape and visual effects of new dwellings, most notably from footpaths and roads adjoining the appeal site. Collectively, these changes would not amount to harm to the area or wider AONB. I have not identified any conflict with the development plan policies in these regards.
49. Subject to conditions, the proposal would mitigate any potential effects on highways, biodiversity value and existing trees and hedges. These are neutral aspects of the proposal, neither weighing for or against it.
50. The proposal, subject to conditions, would not adversely affect the integrity of the SAC. Similarly, this is a neutral factor in the planning balance.
51. The proposed dwellings would add to the housing stock and would also be a valuable addition to the housing land supply. The proposal would also result in economic and social benefits, throughout the construction phase and during their future occupation. These are substantial benefits weighing in favour of the scheme.
52. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework.
53. Having regard to the reasons given above and all other matters raised, the proposal is considered to comply with the Development Plan, including Local Plan policy SS1, and there are no material considerations that indicate that a decision should be taken other than in accordance therewith.

Conditions

54. I have considered the suggested planning conditions having regard to paragraph 55 of the Framework and advice in the Planning Practice Guidance. Where pre-commencement conditions have been used, agreement was sought from the appellant. I have undertaken some editing and reordering of the suggested conditions to avoid duplication and in the interests of precision.
55. In addition to the statutory time limit, a condition requiring adherence to the approved plans is necessary in the interests of certainty (1,2).

56. In the interests of the integrity of the SAC and to ensure that the adequate drainage capacity is available for the dwellings once constructed, it is necessary to impose pre-commencement conditions requiring a construction environmental management plan, a final surface water drainage scheme and separate foul water drainage scheme (3, 4, 5).
57. In the interests of the character and appearance of the area, it is necessary to condition tree protection measures and soft landscape implementation works (6, 7). For similar reasons, it is necessary to condition the submission of external material details and a landscape management plan for implementation beyond completion of the development (12, 13).
58. In the interests of highway safety, it is necessary to condition the provision of requisite visibility splays, the specification of the accesses to the site and the internal road and driveway specification at the appropriate junctures (8, 9).
59. In order to protect the health of future occupants, it is necessary to require precautionary contamination investigations to be undertaken and for any necessary remedial work to be completed prior to occupation (10, 11).
60. In the interests of the biodiversity value of the area, it is necessary to seek details of the ecological enhancement measures that will be implemented (14).
61. To accord with the relevant development plan policy (Core Strategy Policy SD3), it is necessary to secure details of water efficiency measures that will be implemented within the dwellings (16).
62. Whilst the Council suggested a condition relating to secure cycle storage, it is evident that each dwelling with benefit from a garage or car port, into which cycles can be secured. I do not consider it necessary to seek further details or additional secure cycle storage facilities which may result in a proliferation of other structures.

Conclusion

63. As such, I conclude that the appeal should be allowed.

Hollie Nicholls

INSPECTOR

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:

Location plan	16009.100	28.10.16
Site layout	15009.101 Rev C	28.06.17
Materials plan	16009.103 Rev C	28.06.17
Storey heights	16009.104 Rev C	29.06.17
Enclosure details	16009.105 Rev A	01.11.16
Site sections	16009.106 Rev A	28.06.17
Garages and car ports	16009.300 Rev A	31.10.16
House type HT1	16009.201 Rev C	10.02.17
House type HT2	16009.201 Rev C	10.02.17
House type H3 – render	16009.HT3 202 C	10.02.17
House type H3 – red brick	16009.HT3 201 C	10.02.17
House type H4 plans	16009.HT4 201 A	01.11.16
House type H4 elevations	16009.HT4 202 C	10.02.17
Landscaping Detailed Design	W2163 1001	July 2017
Plant Schedule	W2163 1002	July 2017
- 3) Before any work, including any site clearance or demolition begins, or any equipment or materials are moved on to site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a full Ecological Working Method Statement, construction phase drainage system and construction vehicle wheel washing facilities. The approved CEMP shall be adhered to throughout the construction period for the development.
- 4) Prior to the commencement of development, details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - Information about the measures to control the rate of surface water discharged from the site, including an allowance for a 100 + year climate change rainstorm and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - A timetable for its implementation; and,
 - Details of the arrangements for adoption by the statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details which shall be fully functioning prior to first occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

- 5) Prior to the commencement of development, details of the foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- The design of the system and its connection to the Mains Sewer network; and
 - A timetable for its implementation to ensure that no foul flows are discharged to the Waste Water Treatment Works earlier than 1st April 2020.

The development shall be carried out in accordance with the approved details which shall be fully functioning prior to first occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

- 6) None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled. No development, including demolition works shall be commenced on site, site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:
- a) Root Protection Areas for each hedgerow/tree/group of trees which shall be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction.
 - b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
 - c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees.
 - d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
 - e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

The tree and hedgerow protection measures shall be retained in situ for the duration of the construction period

- 7) The approved soft landscaping scheme and planting schedule detailed in plan refs W2163 1001 and W2163 1002, including the infilling of the gap in the existing southern hedgerow on adjoining land, shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the first occupation of the development.

- 8) Prior to commencement of development, the specifications for the vehicular accesses shall be submitted to and approved in writing by the Local Planning Authority. The specifications shall provide for:
- Visibility splays of 43 metres in each direction along the nearside edge of the adjoining carriageway, measured 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) at 0.6 metres above ground level at the centre of the accesses; and
 - A gradient not steeper than 1 in 12.

The accesses shall be provided in accordance with the approved details prior to the commencement of any other works on site.

Nothing shall be planted, erected and/or allowed to grow within the visibility splays above a height of 600mm which would obstruct the visibility splays described above.

- 9) Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads, highway drains and driveways and turning areas have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for private driveways and vehicular turning areas that shall be consolidated and surfaced at a gradient not steeper than 1 in 8, with private drainage arrangements to avoid run-off onto the highway.

None of the dwellings shall be first occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with the approved details, and shall be retained as such thereafter.

- 10) Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:

a) a 'desk study' risk assessment report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed Contamination Remediation Scheme and measures necessary to avoid risk from contaminants/or gases when the site is developed.

The Contamination Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority .

- 11) The Contamination Remediation Scheme approved under the requirements of condition 11) shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall

provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted to and agreed in writing by the Local Planning Authority before the development is first occupied.

- 12) Prior to their first use in the development hereby approved, details, including samples, of materials and finishes to be used externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to first occupation of any of the dwellings hereby approved, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and hedges enclosing the site and adjoining land, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be carried out in accordance with the timetables therein.

As part of the landscape management plan, any trees, shrubs or other plants which are removed, die or are seriously damaged within five years shall be replaced during the next planting season with others of similar sizes and species.

- 14) Prior to first occupation of any of the dwellings hereby approved, a detailed habitat enhancement scheme shall be submitted to, and be approved in writing, by the Local Planning Authority. The enhancement scheme shall be designed to ensure that any habitat enhancement or boundary feature is not illuminated by any external lighting. The approved habitat enhancement scheme shall be carried out in accordance with the timetables therein.
- 15) Prior to the first occupation of any of the dwellings hereby permitted, written evidence shall be provided to the Local Planning Authority that demonstrates that water conservation and efficiency measures to achieve the 'Housing – Operational Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed/implemented. Thereafter, the approved water conservation and efficiency measures shall be maintained for the lifetime of the development.
- 16) During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 0700 – 1800, Saturday 0800 – 1300 nor at any time on Sundays, Bank or Public Holidays.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Mr Richard West	Appellant's representative
Mr Gavin Cooper	Planning Consultant
Mr Robert Clancy	Landscape Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Elizabeth Duberley	Principal Natural Environment Officer
Ms Charlotte Atkins	Planning Officer