
Appeal Decision

Site visit made on 5 June 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/U1105/W/20/3248042

Pendor, Exmouth Road, Colaton Raleigh, Sidmouth EX10 0HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Eade against the decision of East Devon District Council.
 - The application Ref 19/1525/FUL, dated 11 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is described on the application form as a 'new dwelling in the rear garden'.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling in the rear garden at Pendor, Exmouth Road, Colaton Raleigh, Sidmouth EX10 0HJ in accordance with the terms of the application Ref 19/1525/FUL, dated 11 July 2019, subject to the conditions below.

Preliminary matters

2. Notwithstanding the planning history here,¹ each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the East Devon Local Plan 2013-2031 (adopted 28 January 2016, the 'LP') and of the East Devon Villages Plan (adopted 26 July 2018, the 'VP'). I have also had regard to various other material considerations, including the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

Main issues

3. The main issues are whether or not (i) the appeal site is an appropriate location for the development proposed with regard to its accessibility, (ii) the proposal would preserve the setting of Grade II Listed Dew Cottage and Quashbrook, (ii) the scheme would be acceptable in respect of vulnerability to flooding.

Reasons

Accessibility

4. Plan 18021-SL Rev A shows the appeal site as an irregular parcel of land of approximately 0.03ha. The site is within the same ownership as Pendor to the east. Access, shared with a number of other properties, is drawn to the south

¹ Notably a withdrawn application for a similar proposal in 2019 (Ref 19/0333/FUL) and an unsuccessful proposal for a bungalow in 1992 (Ref 92/P1342).

off Exmouth Road (B3178). The site is close to the centre of the village of Colaton Raleigh. Simply, the proposal is to create a dwelling of contemporary form, principally single storey, set close to the rear boundary of the plots of properties along Hawkerland Road.

5. Broadly, LP strategy 1 sets an overarching framework for distributing development across the District with reference to the scale of settlements, in pursuit of sustainable patterns of development and in recognition of the different character of different areas. LP strategy 7 concerning development in the countryside acts as a counterpart policy to strategy 1. Strategy 7 sets out that in the countryside, development will only be permitted where it is specifically enabled by another development plan policy. The LP contains no policies expressly supportive of new open market housing as is proposed in this case. Within the terms of LP strategy 7 countryside is defined as those parts of the District outside of a defined settlement boundary or allocation.
6. The Village falls around the offset crossroads of Exmouth Road, Hawkerland Road heading westwards, and Church Road heading eastwards. Colaton Raleigh does not have a defined built-up area boundary set via the development plan.² As such, within the terms of the LP, the appeal site falls within the countryside, and the proposal does not accord with LP strategy 7.
7. In a similar vein to LP policies, the NPPF strikes a balance between enabling development that will enhance or maintain the vitality of rural communities, actively managing patterns of growth in support of sustainable modes of transport, and recognising the intrinsic character of the countryside.³
8. However the appellant contends that the overarching spatial approach in the LP is inconsistent with NPPF paragraphs 77 and 78. In summary those elements of the NPPF support housing in rural areas which reflects local needs and which supports the vitality of rural communities.⁴ I disagree with that proposition.
9. The NPPF sets out high level principles which, in respect of paragraphs 77 and 78 are not incompatible with the localised approach taken via LP strategies 1, 2 and 7. Inevitably those LP policies reflect the particular geography, demographics and character of East Devon. An appeal, moreover, is inevitably a more focussed process than a development plan examination.
10. There are certain services and facilities at Colaton Raleigh, notably a shop, pub, and village hall. However residents here will likely travel elsewhere on a relatively regular basis to access other day-to-day facilities (such as education, or for a wider choice of retail). Out of convenience some of those trips will be by private vehicle, resulting in associated emissions.
11. However for four reasons, the implications of a new dwelling in this specific location would be negligible as regards accessibility. Firstly the appeal site is nestled by various properties central to Colaton Raleigh. The site sits

² I note that the appellant does not contend that the Village should benefit from such given the settlement's situation within the East Devon Area of Outstanding Natural Beauty ('AONB'); were such a boundary present, in theory pressure could arise for development in line with LP strategy 6 that would nonetheless have adverse landscape effects.

³ NPPF paragraphs 78, 102, 103 and 170.

⁴ Citing the distinction between paragraph 54 of the version of the NPPF published in March 2012 and paragraphs 77 and 78 of the present iteration.

- comfortably as part of the established form of the Village. The supporting Design and Access Statement explains that Colaton Raleigh has a population of about 450. One new dwelling in that context would be of little significance, with future occupants similarly reliant on private vehicular use as many neighbours.
12. Secondly, the site is next to the village shop (with which access is shared). A very short distance beyond that is a bus stop, with the Otter Inn within staggering distance. Unlike in respect of Hardy's Court,⁵ the appeal site is a short walk across private land or pavement to reach both the shop and bus stop. That is an uncommonly centrally-located situation.
 13. I saw that the bus stop is served by the 157, an hourly service. The 157 runs to Newton Poppleford, defined in strategy 27 as a larger village with a 'range of accessible services and facilities'. The nearest school, for example, is located at Newton Poppleford. The timetable estimates the journey time to Newton Poppleford as around five minutes, being some 1.4k in length. The 157 and 899 services also connect to Exeter and Sidmouth.
 14. Third, and notwithstanding my reasoning in paragraph 10, I am told that Colaton Raleigh is served by a visiting doctor's surgery. The Old Sawmills Business Park, nearby off Hawkerland Road, is a significant local employer. Many individuals work flexibly or remotely and rely on deliveries in a way which, even relatively recently, may not have been the case. Those factors will, in all likelihood, further reduce private vehicular dependence in this location (in addition to public transport availability).
 15. Fourth, and notwithstanding my reasoning in paragraphs 8 and 9, NPPF paragraph 103 recognises that there will be different opportunities to maximise sustainable transport solutions in urban compared to rural areas. The PPG reiterates that 'a wide range of settlements can play a role in delivering sustainable development in rural areas'.⁶ LP policy TC2 sets out how development should be located so as to be accessible by pedestrians, cyclists and public transport, thereby minimising the need to travel by car. There is no express indication in the LP that one strategy or policy takes precedence over another, and it is inevitable that different policies pull in different directions to some extent. Nevertheless, given my reasoning above, for a rural context, the appeal site performs strongly against policy TC2.
 16. Drawing together my reasoning, the proposal does not benefit from support via LP strategy 7. However, in my view, no substantive planning harm would result from the proposal by virtue of the singular location of the appeal site. Consequently, in this particular instance, the proposal would not undermine the approach in the LP to pursuing sustainable patterns of development; no conflict arises with the approach set via LP policy TC2 or NPPF paragraphs 102 or 103.
 17. In addition to the appeal at Hardy's Court referenced above, two appeals elsewhere have been brought to my attention. Neither are significant. The relationship of an appeal site to the settlement of Plymtree, and the availability of services and facilities there, are not comparable with circumstances here.⁷

⁵ To which appeal Ref APP/U1105/W/19/3244064 relates, see paragraph 5 of that decision.

⁶ Reference ID: 67-009-20190722.

⁷ APP/U1105/W/18/3194093, paragraph 14.

Paradise Barn, albeit within the Parish of Colaton Raleigh, is nevertheless some 700m or so from the centre of the Village.⁸

Heritage

18. The appeal site abuts the substantial traditional stone walls around the plots of Dew Cottage and (No 10) Quashbrook Cottage. Dew Cottage is nearest. Those properties, adjoining one another, are a Grade II Listed Building (list entry No 1281365, 'Dew Cottage Quashbrook'). There is no dispute that the appeal site forms part of the surroundings in which the Listed Building is experienced.
19. The list entry indicates that Dew Cottage and Quashbrook Cottage likely date from the late eighteenth or early nineteenth century. Both are humble traditional rural dwellings, tightly enclosed by boundary walls, constructed of plastered cob with thatch, originally part of the Rolle Estate. Those characteristics are equally referenced in the supporting Heritage Appraisal and Impact Assessment.⁹
20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended places a duty upon me to have special regard to the desirability of preserving listed buildings and their setting. That is similarly the approach in LP policy EN9, which in turn aligns with NPPF paragraphs 184 and 193.
21. Those NPPF paragraphs set out how heritage assets should be conserved in a manner appropriate to their significance, with 'great weight' accorded to their conservation. Similarly, in summary, both LP policy EN9 and NPPF paragraphs 194 to 196 set out that any harm to the significance of a designated heritage asset should require clear and convincing justification.
22. Building on my reasoning above, insofar as it relates to this appeal, the special interest of the Listed Building lies primarily its intimate traditional rural character, the legibility of that character by virtue of historic materials and architectural detailing, and its connection to the evolution of the area.
23. I note the Council's points that the appeal site is elevated relative to the Listed Building, and represents what would once have been an orchard or natural area associated with Dew Cottage Quashbrook. The dwelling proposed would come close to the boundary walls of the Listed Building and be of clearly modern design. Consequently the setting of the Listed Building would be altered.
24. However, for three reasons, in my view that change would not amount to harm. Firstly, in their scale, design and as a result of surrounding walls, Dew Cottage and Quashbrook Cottage are characterised by intimacy and a sense of enclosure or containment. That is particularly the case in terms of their relationship to the appeal site, which is at a higher level.
25. Access to the Listed Building is via a narrow path next to the plot of Pendor. That path also runs by a twentieth century property of no historic interest attached to Quashbrook Cottage next to Exmouth Road. There are other buildings alongside the B3178 in this location, along with established

⁸ APP/U1105/W/18/3220012, paragraph 5.

⁹ Prepared by Heritage Vision Ltd., dated July 2019.

hedgerows and boundary features consistent with the rural character of the Village.

26. By consequence there is no meaningful intervisibility between the Listed Building and appeal site from vantage points eastwards (along Exmouth Road or further afield). The proposed dwelling, whilst a substantial structure, has been designed to be drawn away from the Listed Building; its height increases instead progressively westwards. That form would, in my view, reduce an adverse interaction with the Listed Building in terms of scale and visibility.
27. Similarly the nearest publicly accessible routes to the site towards the south and west are a significant distance away, wherefrom the landform and intervening trees and vegetation impede visibility. I acknowledge that, at some point, the cumulative experience of multiple private vantage points becomes a legitimate matter of public interest. However the gardens of properties along Hawkerland Road are lengthy. They commonly feature substantial boundary features and mature planting. Consequently there would be no meaningful change to an appreciation of the Listed Building relative to its surroundings from those perspectives.
28. Secondly, whilst maps produced of the area dating back to the Tithe Act 1836 show a jumble of buildings and land apportionments in this location, by around the turn of the twentieth century the appeal site appears to be an orchard or paddock. In that context, historically the appeal site had some functional connection with the Listed Building consistent with the agricultural origins of Colaton Raleigh. I acknowledge that the setting of a heritage asset does not derive from visual factors or proximity alone.
29. However any former associational significance of the appeal site has now been comprehensively over-written. Pendor is one of four understated early-to-mid twentieth century properties. In that context the appeal site has been a domestic garden for quite some time. Whilst part of the site is essentially natural, the location where the dwelling is proposed is levelled, part grass, part patio, and features domestic planting and paraphernalia. That character to the site, combined with the sense of enclosure of the Listed Building, means that there is now no appreciable connection between the two.
30. Thirdly, Colaton Raleigh has evolved considerably over time. There is little architectural coherence to the Village. I have noted above that there is a twentieth century building attached to Quashbrook Cottage, and that Pendor and its neighbours date from the turn of the twentieth century. Many other properties nearby are of a similar or later era to Pendor, including some along Hawkerland Road, and 'Raleigh Flats' by the village shop. Nos 1 and 2 Exmouth Road next to the appeal site and to the plots of the Listed Building appear to be relatively recently constructed or renovated.
31. The surroundings in which the Listed Building is experienced have therefore been considerably altered over time. That is not to say that significance has been reduced, however the form and architecture of Colaton Raleigh reflects a layered evolution to the Village around a historic nucleus. The appeal site in this instance would be consistent with the layout of the village. It would not extend into the rural setting to Colaton Raleigh; the stream through the site to some extent forms a natural landscape boundary here. Moreover, in this

particular location, various properties are set behind others (including Bramber behind the shop, and also Dew Cottage beyond Quashbrook Cottage).

32. Given the architectural variety of the village, a dwelling of modern form with a contemporary palette of materials would not be discordant. For the above reasons also, in particular on account of the limited height of the proposal and its surrounding context, the scheme would have no adverse effect on the East Devon AONB.¹⁰
33. I therefore conclude that the proposal would have a neutral effect on the setting of Dew Cottage Quashbrook, thereby preserving the Listed Building and its setting. Consequently the proposal would comply with the expectations of section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as amended, along with the relevant provisions of LP policy EN9 and NPPF paragraphs 184 and 193. As a result of that finding, it is unnecessary to weigh any public benefits of the scheme relative to any harm that would result.

Flooding

34. Broadly, the appeal site rises from the site access towards the rear plot boundary of properties along Hawkerland Road by Pendor. Dew Cottage and Quashbrook Cottage are set down in the landform. The appeal site is also bisected by a stream, a tributary of the River Otter which is culverted beneath the B3178 as it tracks towards the coast.
35. By consequence, part of the appeal site falls within flood zone 3a, i.e. at 'high probability' of fluvial flooding (as, incidentally, is much of Colaton Raleigh). LP policy EN21, in a similar vein to NPPF paragraph 155, sets out how development should be located and designed so as to avoid or minimise potential adverse effects resulting from flooding vulnerability. Dwellinghouses are classified as more vulnerable to flooding than certain other uses.¹¹
36. However, as a result of the changeable topography, the dwelling proposed would be instead within flood zone 1, i.e. in an area with a 'low probability' of flooding. In that context the appellant's Flood Risk Assessment ('FRA') indicates that, based on Environment Agency modelling plus climate change freeboard allowance, a 1 in 1,000 year flooding event may reach 27.3m AOD.¹² The FRA also indicates that the dwelling would be set at a finished floor level of 28m AOD, thereby avoiding any direct implications of flooding in that regard.
37. However, again in a similar manner to NPPF paragraph 108. b), LP policy D1 criterion 4. a) is that development should be designed so as to ensure safe and convenient access. The potential extent of flooding referenced above exceeds the level of the site access with Exmouth Road by some margin (around 25.6m AOD). Therefore, were flooding to occur, access to and from the dwelling proposed would be impeded via that route.
38. An appeal in respect of land at Clearbrook, within Dartmoor National Park Authority's administrative area has been brought to my attention by the

¹⁰ With regard to the requirements of section 85 of the Countryside and Rights of Way Act 2000 as amended.

¹¹ PPG Reference ID: 7-066-20140306.

¹² Prepared by Sands Civil & Structural Chartered Engineers, dated June 2019.

Council in that context.¹³ Although the circumstances here and there differ, notably that proposal was not supported by a Flood Risk Assessment, the Inspector in that case notes how the PPG indicates that suitable access and egress are important considerations in respect of flooding vulnerability.¹⁴

39. However in technical terms, were flooding to occur at the appeal site, safe pedestrian access could be achieved via a pathway by the southern side elevation of Pendor (which also leads to the B3178). That pathway, as with Pendor and the appeal site, is presently within the appellant's ownership, albeit that land ownership may change over time. In the absence of the ability to use that pathway during an emergency, on account of the foregoing reasoning, the proposal would be unacceptably vulnerable to flooding.
40. By consequence the dispute between the main parties in respect of flooding is whether appropriate provision is made, or could be made, for the use of that pathway in perpetuity. This is therefore one instance where the largely separate matters of planning and private landownership intersect, to which conditions in the former instance relate and obligations or deeds in the latter. However that is somewhat academic here as the appellants have set out that they 'are willing to enter into any management mechanism that is deemed necessary' in this respect.
41. With regard to the tests in NPPF paragraph 55 for the appropriate use of conditions, I acknowledge that the PPG guides against positively-worded conditions requiring a planning obligation to be entered into, and sets out that negatively worded (and also Grampian) conditions should be used sparingly and with caution; in the interests of clarity and transparency it is advantageous to sort things out precisely at an early stage.¹⁵
42. However the provisions of section 70(1)(a) of the Town and Country Planning Act 1990 as amended, which enable the imposition of conditions, are broad. Given present ownership and the appellants' willingness to enter into some form of arrangement, there is every prospect that satisfactory access via the footway could be secured in practice. The terms of the necessary arrangements are well understood by both main parties and capable of being clearly defined. Those, in my view, amount to unusually favourable circumstances for establishing emergency access arrangements.
43. Consequently, whilst I appreciate the Council's position that an obligation would be neater mechanism for securing appropriate access with regard to flooding vulnerability, in my view the same outcome can legitimately be achieved via a negatively-worded condition (as set out below). Subject to such a condition, I conclude that the development proposed would accord with the relevant provisions of LP policies EN21 and D1, along with relevant elements of NPPF paragraphs 55, 108 and 155.

Other matters

Ecology

¹³ Reference APP/J949/W/18/3218520.

¹⁴ Reference ID: 7-039-20140306, which also notes how 'access and egress must be designed to be functional for changing circumstances over the lifetime of the development'.

¹⁵ Including at PPG Reference ID: 21a-005-20190723, 21a-009-20140306 and 21a-010-20190723.

44. The appeal site falls within the zone of influence around the Exe Estuary and East Devon Pebblebed Heaths Special Protection Areas ('SPAs'), which overlap with various other environmental designations. Both are extensive areas of land including foreshores, saltmarshes, mudflats and lowland heath. The SPAs are protected via the Habitats Directive,¹⁶ which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). I am statutorily required to take appropriate steps to conserve biodiversity.¹⁷
45. The SPAs are designated in order to safeguard ecology and the habitat upon which various species are reliant, notably in this instance the Avocet, Slavonian Grebe, Southern Damselfly, Nightjar, and Dartford Warbler. Ecology can be disturbed by recreational activities, predation from domestic pets, and from habitats being unavailable from time to time by consequence.
46. Whilst not a precise correlation, the potential for adverse effects increases with the number of dwellings nearby, including within a wide zone of influence (and therefore the aggregate, or in-combination, implications of a number of smaller developments may be significant). Habitats Regulation 63(1) states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'.¹⁸ I have sought to apply that requirement reasonably and proportionately relative to the nature and context of the development proposed.
47. In the abstract avoidance or mitigation of effects resulting from increased residential development would be achieved by the provision of alternative greenspace, to redirect those who would have made use of the SPAs recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level,¹⁹ such that a proportionate contribution is made in each instance (the former being funded by Community Infrastructure Levy receipts). The proposal is supported by an associated contribution of £201.61 towards ecological monitoring and management arrangements in that context, consistent with the Council's approach.²⁰
48. Paragraphs 14.10, 14.23 and 14.25 of the Mitigation Strategy indicate the approach that it establishes towards ecological mitigation has been arrived at in conjunction with Natural England, the appropriate nature conservation body under Regulation 63(3).²¹ Consequently, subject to appropriate financial contributions being made, I am satisfied that likely significant effects to the ecological integrity of the SPAs would be avoided.
49. Turning to the site specifically, as set out above the proposal relates to land used as a domestic garden which has been levelled and maintained as such over time, along with domestic planting and paraphernalia. The surrounding

¹⁶ 92/43/EEC, with Special Area of Conservation status falling under the Birds Directive 79/409/EEC.

¹⁷ Section 28(G) of the Wildlife and Countryside Act 1981, section 40 of the Natural Environment and Rural Communities Act 2000 as amended.

¹⁸ With reference to recent case law: *People Over Wind and Sweetman v Coillte Teoranta*, Environment – Conservation of natural habitats [2018] EUECJ C-323/17,

¹⁹ The latest schedule being approved by Council in August 2019.

²⁰ Under Section 111 of the Local Government Act 1972 as amended, dated 10 July 2019.

²¹ As reiterated in a Council note regarding ecological effects submitted at examination.

context is one of residential development, and there is no indication that the site is likely to be particularly valuable to ecology in that context.

50. On that basis, and given the separate protections for ecology in the Wildlife and Countryside Act 1981 as amended and in the Conservation of Habitats and Species Regulations 2017, unacceptable effects to ecology would arise neither directly nor indirectly by consequence of the development proposed. I am therefore satisfied that the proposal would suitably safeguard ecological integrity. No conflict therefore arises in respect of the relevant provisions of LP strategies 47 or 50, or of NPPF paragraph 170.

Other issues

51. The Council does not make the case that the proposal would be otherwise unacceptable, including in respect of the suitability of highway access or in terms of effects to the living conditions of those nearby. Given that site access is authorised, the limited effect of a single dwelling, and as there is no indication that highway safety here is a cause for concern, there is nothing before me to lead me to a different conclusion in respect of access arrangements.
52. Similarly, given the predominantly single storey scale proposed, the paucity of first floor windows facing towards other properties, and the relationship of the site to its surroundings, I am likewise of the view that the scheme would be acceptable in respect of the living conditions of those nearby. Nevertheless it is necessary to impose a condition requiring an agreed construction and environmental management plan to minimise disruption during construction, as reasoned subsequently. Consequently no other matters are of such significance so as to alter my conclusion regarding the overall acceptability of the scheme.

Conclusion

53. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, I conclude that the appeal should be allowed subject to the schedule of conditions below.

Conditions

54. In addition to requiring commencement within the relevant statutory period, I have imposed conditions specifying compliance with the supporting plans and requiring that agreed external materials are used for certainty, in order that the proposal is implemented as assessed above, and to ensure that the scheme integrates appropriately with its surroundings (with particular reference to the provisions of LP policy EN9).
55. Following my reasoning in paragraphs 42 to 43 above, I have also imposed a condition requiring that an agreed emergency pedestrian access associated with the proposal be established and maintained in perpetuity (with particular reference to the provisions of LP policy EN21). Given that the site is nestled behind other properties and access to it is shared with others, in order to minimise disruption resulting from construction it is further necessary to require that development proceeds in line with an agreed Construction and Environmental Management Plan ('CEMP', with reference to the relevant provisions of LP policy D1 and NPPF paragraph 127).

56. Condition 5 requiring compliance with an agreed CEMP must necessarily apply before any development on site takes place, as any construction activities have the potential to affect those nearby. With reference to section 100ZA of the Town and Country Planning Act 1990 as amended, the appellant has agreed to the terms of that pre-commencement condition. In imposing conditions I have had regard to the tests in the NPPF, the PPG, and relevant statute. Accordingly I have amended the wording of certain conditions proposed by the Council to ensure that they are appropriate, without altering their fundamental aims.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18021-SL Rev A, 18021-20, 18021-21, 18021-22, 18021-23, 18021-24, 18021-25, 18021-26, 18021-27, 18021-28.
- 3) Notwithstanding condition 2, no development above foundation level shall take place until a schedule of external materials and finishes to be used (including samples as necessary) has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the agreed schedule and details, which shall thereafter be retained.
- 4) The dwelling hereby permitted shall not be occupied until a scheme for pedestrian access and egress through the plot of the dwelling named Pendor, which would secure the use of such in perpetuity by any future occupants of the development hereby permitted in the event that flooding impedes access to the site elsewhere, has been submitted to and agreed in writing by the local planning authority.
- 5) No development hereby permitted shall take place before a Construction and Environmental Management Plan ('CEMP') has been submitted to and agreed in writing by the local planning authority. The CEMP shall include details of (a) the anticipated number, frequency and types of vehicles associated with construction, (b) provision made for the parking of vehicles by contractors, site operatives and visitors (c) the loading, unloading and storage of plant and materials to be used in the construction of the development hereby permitted (d) measures to mitigate the impacts of construction on the use of access to the site from the B3178, and (e) measures to minimise and mitigate the effects of undertaking the development proposed to the living conditions of those nearby, including specified hours during which construction related activities may take place. The agreed CEMP shall be adhered to throughout construction.