



Appeal Decision

Site visit made on 10 December 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/D0840/W/21/3267236

Land known as "the Bowling Green", High Street, St Keverne, Helston, Cornwall TR12 6NS

- 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 Trelyn Developments Ltd against the decision of Cornwall Council.
 - The application Ref PA20/02234, dated 7 March 2020, was refused by notice dated 15 December 2020.
 - The development proposed is Proposed erection of 14 dwellings (4 affordable), estate road, foul/surface water drainage and landscaping.
 - This decision supersedes that issued on 15 June 2021. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 14 dwellings (4 affordable), estate road, foul/surface water drainage and landscaping at Land Known as "the Bowling Green", High Street, St Keverne, Helston, Cornwall TR12 6NS in accordance with the terms of the application, Ref PA20/02234, dated 7 March 2020, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The previous appeal decision was successfully challenged at the High Court. That decision was therefore quashed and the appeal remitted back for re-determination.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. The main parties had the opportunity to comment on its relevance to the appeal proposal and I have had regard to it in reaching my decision.
4. As the appeal proposal is located within an area of outstanding natural beauty (AONB), I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The development plan and the Framework also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.
5. A signed and dated planning obligation by agreement, made as a Deed on 26 May 2021 pursuant to s106 of the 1990 Act and imposing planning obligations on the site, was submitted with the appeal (the original s106 agreement).

During the course of the re-determined appeal, a deed of modification planning obligation, made as a Deed on 26 January 2022 pursuant to s106A of the 1990 Act and containing planning obligations, was submitted to supplement the original s106 agreement. I have had regard to both of these obligations in reaching my decision.

Main Issues

6. The main issues are the effect of the proposed development on:

- the character and appearance of the surrounding area, having particular regard to the Cornwall AONB; and
- designated nature conservation sites.

Reasons

Character and appearance

7. The appeal site is located within the Lizard sub area of the South Coast Western section of the AONB. The Cornwall AONB Management Plan 2016-2021 describes the South Coast Western section as a large, wide-ranging and diverse area, with the western extent of the Lizard peninsula involving undulating, open landscape whose wild and open nature is emphasised by the lack of tree cover. The Cornwall and Isles of Scilly Landscape Character Study identifies key characteristics of the surrounding area, which is within landscape character area CA08 (North-East Lizard Peninsula), as involving, amongst other aspects, a contrasting landscape of open farmed plateau and small hidden valleys, irregular field patterns of mixed farming with Cornish hedges, and few nucleated villages and isolated farmsteads.
8. Consisting of an undeveloped field, the site forms an irregular shaped parcel of sloping, elevated land. Although open countryside extends away to the south and south-east, the well-established hedge on the southern boundary and the sandwiching of the site within the built environment of St Keverne to the east, north, west and south-west means that it does not have an intimate association with the open countryside. However, despite this and its location on the edge of the settlement, the site's open, agricultural character and verdant appearance means that it forms part of the rural setting of St Keverne and reflects the key characteristics of the surrounding area. Its undeveloped nature is also apparent from the public realm. Consequently, it positively contributes to the rural, open setting of the settlement and the landscape and scenic beauty of the AONB. The contribution of the site is however tempered by its limited size and its context, inset within surrounding built form.
9. Introducing residential development across the site, the proposal would change the character of the site, reduce its openness and read as expanding the built environment of St Keverne. The proposed development would therefore erode the settlement's rural setting and appear as an encroachment of built form into the AONB landscape. As I observed on my site visit and as demonstrated in the submitted Landscape and Visual Appraisal, public views of the development would be relatively limited due to topography, existing built form and existing and proposed hedges and vegetation. Nevertheless, it would be visible to some extent in the surrounding area, including from the nearby highway, Penmenner Estate and the public byway that runs along Trelyn Road and over the stile.

10. However, the appeal proposal would not appear as a prominent or significant feature in the locality and it would be seen, when visible in public views, within the context of surrounding built form and viewed alongside it. It would suitably relate to and integrate with nearby development in terms of layout, density, height, scale, materials and design, and the submitted Design and Access Statement sets out that the appearance and character of the development seeks to respond to the local character of the village. Given the site's setting and that the southern boundary hedge – retained and enhanced as part of the proposal – would continue to separate the site from the agricultural landscape beyond, it would also not read as extending the settlement beyond its existing physical extent and into open countryside. The degree of harm would therefore be relatively localised and limited, and the proposed development would thus not significantly erode the setting of St Keverne or the landscape and scenic beauty of the AONB. In coming to this view, I have taken into account the submitted sections showing that some of the proposed dwellings would be higher, due to the topography, than some surrounding buildings.
11. Given the site's context, the size of St Keverne, the nature and scale of the proposed development and that the harm I have identified would be limited, the appeal proposal would have only a limited adverse impact on the purpose of conserving and enhancing the natural beauty of the AONB. Accordingly, the appeal scheme would not represent major development within the AONB with respect to Framework paragraph 172 and footnote 60. However, notwithstanding this, I conclude that the proposed development would, for the above reasons, harm the character and appearance of the surrounding area and would not conserve and enhance the landscape character and natural beauty of the Cornwall AONB. In coming to this view, I have taken into account that the development would round off the settlement and provide it with a strong, clear edge, would not alter the characteristics or qualities of the surrounding landscape character types, and would not harm heritage assets or semi-natural corridors. The lack of objection from the AONB unit and that the designated landscape, incorporating a large area including townscape settings as well as natural landscapes, is neither devoid of development nor does it preclude development do not lead me to a different conclusion.
12. Although the degree of harm would be limited, the proposal would nevertheless not accord with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 (CLP). Amongst other aspects, these set out the Council's approach to decision making, give great weight to conserving the landscape and scenic beauty of the AONB, and require proposals to maintain and respect the special character and enduring distinctiveness of Cornwall and conserve and enhance the landscape, character and natural beauty of the AONB. The proposal would also be inconsistent with the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment; and Policy MD9 of the AONB Management Plan which seeks to ensure that development is compatible with the area's distinctive character.
13. The Council also alleges a conflict with Policy SCW8.04 of the AONB Management Plan. However, as that policy encourages characteristic inclusion of local materials and vernacular design in new development and the materials proposed would reflect those found on surrounding built form, the appeal proposal would be consistent with this policy.

Designated wildlife sites

14. The appeal site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC). The submitted evidence, including the Council's European Sites Mitigation Supplementary Planning Document (SPD, July 2021), indicates that certain types of development, including all new housing, within 12.5 kilometres of the SAC add to increasing recreational impact at the designated site, which has been identified as vulnerable to such threats. Alone and/or in-combination with other relevant development in the area, the proposed development would therefore be likely to have a significant effect on it. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), Appropriate Assessment of the implications of the project for the designated site in view of its conservation objectives is required. In accordance with CLP Policy 22, appropriate mitigation would, where necessary, also need to be secured.
15. The qualifying features of the Fal and Helford SAC include saltmarsh, intertidal mudflats and sandflats, subtidal sandbanks, large shallow inlets and bays including habitats such as reefs and rocky shores, estuaries, and reefs, Atlantic salt meadows and Shore dock. The conservation objectives for the site seek to ensure that its integrity is maintained or restored as appropriate and that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring the: extent and distribution of qualifying habitats and habitats of qualifying species; structure and function of qualifying natural habitats and the habitats of qualifying species; supporting processes on which qualifying natural habitats and the habitats of qualifying species rely; and the populations and distribution of the site's qualifying species. The SAC also has a Site Improvement Plan which, amongst other things, details the current and predicted issues affecting the condition of the site's features, which includes public access/disturbance, and the actions required to improve the condition of the features.
16. The available evidence indicates that without mitigation it would not be possible to ascertain that the residential accommodation proposed would not adversely affect the integrity of the designated site through the indirect effects of increased recreational impacts on its interest features. However, the SPD sets out that the adverse effects of development can be mitigated by managing access to or within the SAC, managing visitor behaviour near and within it, and making the designated site more resilient to recreational pressure. Collectively, these are known as Strategic Access Management and Monitoring (SAMM).
17. Unless developers choose to provide their own mitigation measures, the SPD indicates that such mitigation can be strategically led through a SAMM plan, which has been drawn up and costed for the Fal and Helford SAC, would be funded by financial contributions from relevant development, and would be delivered by the Council. The SPD, produced with input from Natural England, identifies that the securing of a financial contribution can be achieved through either the submission of a legal agreement or through the imposition of a planning condition.
18. Based on the submitted evidence, the securing of the necessary mitigation would be sufficient to mitigate the effects of the development on the designated site. In this case, the original s106 agreement submitted with the appeal included a financial contribution that fell short of the required amount

as set out in the SPD. With payment of the contribution also being linked to occupation of the open market dwellings rather than first occupation of the development, recreational disturbance of the SAC could also therefore have occurred before the mitigation was provided. However, the deed of modification includes a covenant that now requires the payment of a financial contribution in-line with the relevant figure in the SPD and prior to occupation of the development. Accordingly, I am satisfied that the contribution equating to £5,632, as defined in the deed of modification, would be sufficient and would ensure that the necessary mitigation is provided in a timely manner.

19. The deed of modification therefore allows me to be certain that the proposed development would not adversely affect the integrity of the designated site. Confirming this, Natural England indicate that they are content that it adequately secures the deliverability of mitigation measures to prevent the harmful effects of recreational disturbance from occurring as a result of the appeal proposal and that the mitigation is sufficient to ensure that an adverse impact on the integrity of the Fal and Helford SAC can be avoided.
20. On this basis and following consultation with Natural England, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the designated site would not be adversely affected by the proposed development. Consequently, I find that the proposal would accord with the Habitats Regulations and CLP Policy 22.

Other matters

21. The original s106 agreement submitted with the appeal secured, amongst other aspects, the provision of affordable housing and financial contributions for affordable housing, off-site public open space, SAC mitigation and education facilities. However, during the course of the re-determined appeal, national policy on affordable housing changed to include the requirement for First Homes to be provided as part of the affordable housing mix and the Council formalised its approach to SAC mitigation through the adoption of the European Sites Mitigation SPD. These changes indicated that some of the obligations within the original s106 agreement had become inadequate and would need to be revised. In this instance, the appellant was therefore given the opportunity to modify the original s106 agreement, with the deed of modification subsequently being produced to deal with the two matters. Accordingly, the original s106 agreement needs to be read alongside the deed of modification, both of which are necessary.
22. The financial contributions in the original s106 agreement for off-site public open space and education facilities and in the deed of modification for the SAC mitigation are in-line with CLP Policies 13, 22 and 28. The available evidence indicates that there is a need for additional housing in the area and that St Keverne has a moderate affordable housing need, with CLP Policy 8 providing that in such locations, development of the scale proposed on the site should provide 30% affordable housing. In this instance, a policy compliant provision includes four on-site affordable units and a financial contribution to reach the required threshold. This is secured by the submitted obligations, with the mix and tenure – now including the provision of First Homes as required by national policy – agreed with the Council and supported by the affordable housing team.
23. The submitted evidence indicates that the obligations within the Deeds are necessary to make the development acceptable in planning terms, are directly

related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, I find that the obligations in the Deeds meet the tests set out in the Framework and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, they therefore constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.

24. I recognise that the proposal has generated considerable interest, with a number of consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the matters and concerns raised in the submissions which have not been covered above, including on issues such as: overdevelopment; loss of agricultural land; impact on heritage assets; any development in the village should use brownfield land; the effect of the development on archaeology; security and safety within the development; highway safety including for both vehicles and pedestrians; access for emergency vehicles; the extent of public consultation; the number and size of properties being proposed on the site; harm to the living conditions of adjoining occupiers, including in relation to loss of light from the proposed dwellings and soft landscaping, and overlooking; roots from the proposed trees damaging nearby driveways; the effect on biodiversity and protected species, and the development conflicting with the aim to restore nature; land ownership; access to neighbouring properties and private driveways, particularly during construction works; loss of trees; inconsistencies between the various proposed plans, including in relation to access into the site and proposed soft landscaping; the approval of other housing developments in the area and whether more housing is needed in the locality; resources of local public facilities being overstretched by the development; whether the type and mix of housing proposed, including the affordable units, would meet the needs of people and families in the area; and limited employment being available locally meaning new residents would have to travel and increase the carbon footprint of the area.
25. However, whilst I take these submissions seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues raised, such as access during construction and the effect of the development on archaeology and biodiversity, would also be covered by planning conditions, while the Highway Authority did also not object to the application.

Planning Balance

26. I have found that the proposed development would harm the character and appearance of the surrounding area and would not conserve and enhance the landscape character and natural beauty of the Cornwall AONB. The proposal therefore conflicts with the development plan, including CLP Policies 1, 2, 12 and 23, as well as relevant provisions in the Framework and the AONB Management Plan. However, the harm I have identified would be relatively localised and limited. Notwithstanding the great weight given to conserving and enhancing the landscape and scenic beauty of the AONB, I find that the totality of the harm would therefore not be significant.
27. There would be a number of benefits provided by the appeal proposal. This includes the provision additional accommodation – in what the Council describes as a sustainable location – and affordable housing of a type and mix

consistent with local needs, and which the submitted evidence indicates is needed even though the Council can demonstrate a sufficient supply of housing land in the district. This weighs substantially in support of the scheme. The appeal proposal would also provide construction related employment while future occupiers would support local services and facilities. In addition, the scheme would provide biodiversity net gain (BNG), secured by condition.

28. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I place great weight on conserving and enhancing the landscape and scenic beauty of the AONB, which have the highest level of protection. I also attach significant weight to the conflict I have identified with the CLP and the inconsistencies with the provisions in the Framework and the AONB Management Plan. However, in this instance, I find that the above material considerations outweigh the limited harm that I have identified. This indicates that permission should be granted, notwithstanding that the development does not accord with the above listed CLP policies and the great weight given to conserving and enhancing the landscape and scenic beauty of the AONB.

Conditions

29. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, to ensure that details are submitted to and considered by the Council where relevant and for clarity and consistency.
30. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Given the scale of the development, a pre-commencement condition securing the provision of a construction management plan prior to works commencing is necessary and reasonable in the interests of the safe and efficient operation of the highway network and the living conditions of existing residents. In the interests of biodiversity and in accordance with CLP Policy 23 and the Framework, a condition covering BNG is necessary. It is a pre-commencement condition because the BNG management plan needs to be produced prior to the loss of existing site habitat. A condition relating to archaeology is necessary because of the heritage assets identified within the site and to ensure that provision is made to record finds of archaeological interest in-line with CLP Policy 24. It needs to be a pre-commencement condition on the basis that development has the potential to disturb historic assets which may be lost from being recorded in the absence of a suitable archaeological scheme.
31. The PPG indicates that conditions requiring further ecological surveys should not normally be imposed except in exceptional cases, such as to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. However, due to the recorded presence of a badger sett outside but close to the boundary of the site and given the time between the submission of the planning application and the likely start of construction works on site, a pre-commencement condition securing an additional badger survey is reasonable and necessary in this instance. The condition will also ensure that the proposed mitigation remains

appropriate and thus that adequate protection is afforded to the protected species. A condition securing compliance with the recommendations and mitigation and enhancement measures in the submitted ecology reports is also necessary in the interests of biodiversity and protected species.

32. Conditions relating to external materials of the dwellings and hard and soft landscaping of the site are necessary in the interests of the character and appearance of the surrounding area and AONB. A condition relating to drainage is necessary with regards to flooding and pollution. A condition requiring the provision of vehicular and pedestrian access into and through the site is necessary in the interests of highway and pedestrian safety and to ensure adequate parking and turning facilities. Conditions preventing new openings in the east elevation of plot 10 and the obscure glazing of gable end windows in plots 5 and 14 are necessary in the interests of the living conditions of adjoining occupiers.
33. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Nevertheless, the nature of the site, and its position in relation to sensitive features indicates that in this instance such a condition is necessary and reasonable in the interests of the visual amenities of the area and the living conditions of adjoining occupiers. The condition will also ensure that the affordable dwellings remain at a size where they will be able to meet future local needs. However, I have not included the restrictions suggested by the Council in relation to any other alterations to the roof of a dwellinghouse (Class C) and the erection or construction of a porch (Class D) because such works could only be of a minor nature and would thus not significantly affect the size or appearance of the appeal proposal and its effect on its surroundings.

Conclusion

34. For the above reasons, the appeal is allowed.

T Gethin

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: Location Plan (170603 L 01 01, Rev B); Existing site plan (170603 L 01 02, Rev A); Proposed Site Plan (170603 L 02 01, Rev Q); Swept Path Analysis (Drawing No JG02, Rev 2); Access Road and Footway (Drawing No JG03, Rev 1); Boundary Treatments Plan (170603 L 02 02, Rev D); HT 01 - Floor Plans (170603 HT 01 01, Rev A); HT 02 - Floor Plans (170603 HT 01 02, Rev A); HT 01 - Elevations (170603 HT 01 02, Rev A); HT 01 Type 2 - Floor Plans (170603 HT 01 03, Rev B); HT 01 Type 2 - Elevations (170603 HT 01 04, Rev B); HT 01 Type 3 - Floor Plans (170603 HT 01 05, Rev A); HT 01 Type 3 - Elevations (170603 HT 01 06, Rev A); HT 02 - Floor Plans (170603 HT 02 01, Rev A); HT 02 - Elevations (170603 HT 02 02, Rev A); HT 03 - Plans (170603 HT 03 01, Rev B); HT 03 - Elevations (170603 HT 03 02, Rev B); HT 04 - Floor Plans (170603 HT 04 01, Rev A); HT 04 - Elevations (170603 HT 04 02, Rev A); HT A - Elevations (170603 HT A 01 01, Rev F); HT A - Floor Plans (170603 HT A 01 02, Rev E); Section AA (170603 SK 200624.1, Rev A); Section BB (170603 SK 200624.3, Rev A); and Section CC (170603 SK 200624.4).
- 3) No development shall commence until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for: i) construction vehicle details (number, size and type); ii) vehicular routes and delivery hours; iii) the parking of vehicles of site operatives and visitors; iv) loading and unloading of plant and materials; v) storage of plant and materials used in constructing of the development; vi) wheel washing facilities; and vii) measures to control the emission of dust and dirt during construction.
- 4) No development shall commence until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development has been submitted to and approved in writing by the local planning authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include: 1. Proposals for on-site biodiversity net gain (full details of which will be provided in relation to each phase of development and/or for off-site offsetting); 2. A management and monitoring plan for any on-site and off-site biodiversity net gain (BNG) including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan or any variation so approved by the local planning authority in writing.
- 5) No development shall commence until a further Badger Walkover Survey has been submitted to and approved in writing by the local planning authority. The survey shall be undertaken no more than 30 days prior to the commencement

of construction on site and the development shall thereafter be undertaken wholly in accordance with additional mitigation and enhancement measures regarding badgers if and where identified as necessary.

- 6) A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and: 1. The programme and methodology of site investigation and recording; 2. The programme for post investigation assessment; 3. Provision to be made for analysis of the site investigation and recording; 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation; 5. Provision to be made for archive deposition of the analysis and records of the site investigation; 6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- B) No demolition/development shall take place other than in accordance with the WSI approved under part A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under part A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.
- 7) No development other than site preparation and groundworks and those required by condition 6 shall commence until details of the materials to be used in the construction of the external surfaces (doors/windows/cladding/stonework/roof covering) of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 8) No development other than site preparation and groundworks and those required by condition 6 shall commence until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The hard landscape works shall be carried out in accordance with the approved details prior to the occupation of any unit hereby permitted and notice shall be given to the local planning authority when the approved scheme has been completed. The hard landscaping details shall include: proposed finished ground levels or contours; means of enclosure; hard surfacing materials; details of external lighting; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs etc); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic features and proposals for restoration, where relevant.
- 9) No development other than site preparation and groundworks and those required by condition 6 shall commence until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall provide planting plans with written specifications including: details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of

development; full schedule of plants; details of the mix, size, distribution and density of all trees/shrubs/hedges; cultivation proposals for the maintenance and management of the soft landscaping.

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed. Notice shall be given to the local planning authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the local planning authority when the approved scheme has been completed. Any trees or plants which within a period of five 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 a similar size and species as those originally planted.

- 10) No development other than site preparation and groundworks and those required by condition 6 shall commence until details of a scheme for the provision of surface water management and foul water treatment has been submitted to and approved in writing by the local planning authority. The details shall include: 1. Details of the final drainage schemes including calculations and layout; 2. Confirmation from South West Water Ltd that the foul network has sufficient capacity to cater for this development; 3. A Construction Surface Water Management Plan; 4. A Construction Quality Control Plan; 5. A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features; 6. A timetable of construction; 7. Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

The Developer must inform the local planning authority of any variation from the details provided and agree these in writing before such variations are undertaken. The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change. Thereafter, the approved scheme shall be implemented in accordance with the details and timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development. Details of the maintenance schedule shall be kept up-to-date and be made available to the local planning authority within 28 days of the receipt of a written request.

- 11) Before any of the development hereby permitted is first occupied, the new vehicular access, estate road, footways and parking and turning areas shall be laid out and constructed in accordance with approved plans Access Road and Footway (Drawing No JG03, Rev 1) and Proposed Site Plan (170603 L 02 01, Rev Q) and the said areas shall not thereafter be obstructed or used for any other purpose.
- 12) With the exception of the window and external door openings shown on approved plan HT 01 - Elevations (170603 HT 01 02, Rev A), no new openings shall be added to the east elevation of plot 10.

- 13) Prior to the first occupation of plots 5 and 14, the windows in the north west elevation of plot 5 and the west elevation of plot 14 shall be fitted with obscure glazing and permanently retained in that condition thereafter.
- 14) The development hereby permitted shall be carried out wholly in accordance with the recommendations, mitigation and enhancement measures contained within the following sections of the following submitted ecology reports: sections 5.2, 6, 7 and 9 of the Ecological Appraisal (Ecological Surveys Ltd, dated 22 March 2018); and section 6 of the Walkover Update to EcA (Ecological Surveys Ltd, dated 14 May 2019).
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission from the local planning authority, namely: enlargement, improvement or other alteration of the dwellinghouse; and buildings etc incidental to the enjoyment of a dwellinghouse.

END OF SCHEDULE