



Appeal Decision

Hearing held on 15 November 2022

Site visit made on 14 November 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/D3125/W/22/3302410

44 Common Road, North Leigh, Oxfordshire OX29 6RB

- 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 Abbeymill Homes Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 21/03720/FUL, dated 12 November 2021, was refused by notice dated 27 May 2022.
 - The development proposed is the demolition of existing residential property, construction of a new access onto Common Road with the erection of 10 detached and semi-detached two storey dwellings, associated garaging and parking, landscaping and all enabling works.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of an existing residential property, construction of a new access onto Common Road with the erection of 10 detached and semi-detached two storey dwellings, associated garaging and parking, landscaping and all enabling works at 44 Common Road, North Leigh OX29 6RB in accordance with the terms of the application, Ref 21/03720/FUL, dated 12 November 2021, and the plans submitted with it, subject to the schedule of attached conditions and the associated S106 Legal Agreement.

Applications for costs

2. An application for costs has been made by Abbeymill Homes against West Oxfordshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. A S106 Legal Agreement in the form of a Unilateral Undertaking¹ (UU) has been submitted that would provide planning contributions towards a local cycle track, public transport services and waste and recycling services. These requirements meet paragraph 57 of the National Planning Policy Framework (the Framework) as being necessary and directly related to the development. The Council has confirmed that the UU is acceptable and has overcome its infrastructure objections resulting in refusal reason two. As a result, it is not necessary for me to consider this matter any further.

¹ Unilateral Undertaking, dated 11 November 2022, by Abbeymill Homes Limited

4. A site visit was undertaken the day before the Hearing. During my visit I was able to enter the site and make observations from the rear garden of a neighbouring property. I also walked through the village and viewed the site from footpaths 312/23 and 312/24. I therefore have a good awareness of the site and its surroundings.
5. The Appellant has submitted amended plans that include solar panels to each dwelling in order to meet new Building Regulation requirements. At the Hearing the Council raised no objection in principle to my taking these into consideration. I have dealt with the appeal on the basis of the amended plans, which do not materially change the substance of the proposal and would not prejudice any party.
6. The Council's 5-year Housing Land Supply (HLS) Position Statement identifies it has a supply of 5.3 years in the period of 1st April 2021-31st March 2026. However, the Appellant has challenged a number of sites within this that it claims do not meet the definition of deliverable and asserts that the Council can only demonstrate a 4.2-year HLS figure. The Statement of Common Ground (SoCG) includes an appeal decision for Barns Lane². In this decision the Inspector found a HLS figure of 3.68-years. In light of this evidence, the Council has agreed that it cannot currently demonstrate that it has a 5-year HLS. It has also accepted the Appellant's calculation of 4.2 years. Based on the evidence before me, I see no reason to depart from this agreed position.
7. It has transpired that the Council did not notify occupiers of Common Close of the planning application or when the appeal was lodged. However, the Council informed me that a site notice was displayed as part of the application consideration process, and it also informed these occupiers that the Hearing was scheduled to take place with 14 days notice. Furthermore, the Council also recently notified these occupiers that written comments would be accepted by the Planning Inspectorate up to the day of the Hearing. As a result, I am satisfied that the statutory consultation process has been satisfied, and that all occupiers adjacent to the site have been given adequate opportunity to be involved in the process without prejudice.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, the setting of the village and on the local landscape.

Reasons

Policy context

9. The development plan for the district includes the West Oxfordshire Local Plan (2018) (LP). LP Policy OS2 establishes the Council's spatial housing strategy. This seeks to focus most new development towards Witney, Carterton and Chipping Norton, and at the lower tier rural services centres. The villages, such as North Leigh, are deemed by this policy as being suitable for limited development provided it would respect the village character and local distinctiveness and would help maintain the vitality of these communities. LP policy H2 provides further guidance when considering development in villages. This includes support for development on previously developed land

² Planning Appeal Reference: APP/D3125/W/22/3293656

and undeveloped land adjoining the built-up area where it is demonstrated that this is necessary to meet identified housing need.

10. The site is partly within the village. The settlement includes a primary school, a library, shop and a number of public houses. The proposed development would help maintain the vitality of the community and the services offered within the village. It is therefore within an accessible location providing easy access to a range of goods and services. The village has been subject to recent expansion, illustrating that it is a suitable settlement appropriate to receive new development, albeit limited. These locational benefits weigh in favour of the proposal.

Character and appearance

11. North Leigh consists of housing that is a diverse range of heights and styles within various sized plots in a village setting. Its original pattern of development appears to have been focussed on Park Road and Common Road. Nonetheless, whilst the original settlement was largely linear, modern infill development has resulted in a nucleated cluster of estate roads and cul-de-sac developments expanding the original linear character. The appeal site is occupied by a frontage dwelling and a sizeable area of land behind that includes a large garden and paddock. It is on the edge of the settlement at a point of transition between the urban edge and the countryside.
12. The appeal site is generally flat with some trees and hedge screening found to its sides. The site comprises a large plot of land that extends beyond adjacent rear gardens. It has only a post and rail fence marking its western rear boundary although its southern boundary is partially screened by a tree and hedge line. The fields to the rear of the site are set at a lower level to the site. Consequently, western views from the site overlook the open countryside for some distance. Therefore, the open aspect to the rear of the site, and the site itself, make a positive contribution to the character and appearance of the surrounding area and emphasise the sites position on the edge of the settlement.

Effect on the local landscape

13. The local landscape consists of rolling hills, pockets of woodland and small pastoral fields. The Council's West Oxfordshire Landscape Assessment (WOLA) identifies a large area of land adjacent to the site as having a landscape character type of 'Semi-enclosed limestone wolds'. This is defined as including a patchwork of large arable fields, more frequent pasture land and smaller-scale fields with irregular, sinuous boundaries. It also describes the area as having a semi-enclosed character with views contained by hedgerow structure and frequent blocks of woodland. The site is adjacent to the Wychwood Uplands landscape character area which is described as including smoothly rolling limestone uplands bounded by the valleys of Evenlode and Widrush. Many of the above characteristics are noted close to the site with clear views from the site of gently undulating farmland and woodland blocks evident within a variety of large and small fields bounded by hedgerow planting.
14. The village has been subject to relatively significant expansion in recent years. Whilst its character includes estates that expand away from the linear routes, the southern part of Common Road, starting at No 38, is semi-rural with a strong linear character. In this location, the pattern of development has

characteristics that are increasingly rural in style with rear gardens that adjoin field boundaries.

15. The proposed development would be visible from many viewpoints along the public footpaths of 312/24 and 312/23 within this relatively sensitive landscape setting. Views of the site from footpath 312/23 would be mostly obscured by woodland areas and rising topography with the proposal largely only glimpsed in limited views. Whereas views of the site and the proposal would be greater from route 312/24, albeit some distance from the scheme. Views experienced by walkers would be highly sensitive to change due to the largely open character of the routes and to the visual impact of development due to its prominence in views from the footpath.
16. The site is on higher land in comparison to route 312/24 and has limited boundary screening to its rear. In contrast, views of existing housing within the village are mostly obscured by mature tree and hedge cover that provides screens much of the built form which is interspersed within mature vegetation. The proposed scheme would include the removal of the majority of trees on site. Although of low quality, the removal of these trees would further reveal development on the site to wider views from the footpaths. It would be especially obtrusive in views from footpath 312/24 due to land topography and the site's visibility. As a result, the proposed housing would be overt within this exposed site. This would therefore result in development that would not reflect the landscape enhancement objective sought by the WOLA in this 'strengthen A' area.
17. Therefore, although the proposal would be seen in the context of the village within its background, it would be starkly obtrusive in this setting, having a harmful visual impact on the surrounding countryside. Furthermore, the proposed boundary landscape screening would not materially reduce this effect due to the overall scale of development and the limited capability of new planting to soften views of the development. Consequently, the proposal would intrude into the local pastoral landscape and harm the rural setting of the village. It would extend beyond the established linear pattern of development and encroach into the open countryside resulting in harm to the landscape character of the area.
18. Views into the site from Common Road would be constrained by the replacement dwellings of plots 1 and 2. These would reinforce and reinstate a two-storey streetscene in accordance with the adjacent form of development. As such, the majority of the proposal would be subdued and diminished in views from Common Road.

Effect of the design scale, form and layout.

19. The scale of the proposed housing would generally accord with the height and footprints of adjacent dwellings. I see no compelling reason why the proposal would need to reflect a variety of scale simply on the basis that there is greater variety of scale within the village. In terms of the design, the proposed dwellings would include steep pitched roofs and be of a traditional style. Also, the proposed materials would include stone cladding and natural slate roofs that would complement the Cotswold style of housing noted within parts of the village. As a result, the scale and form of development would be in keeping with the local area, enabling it to integrate well with the existing character of the village.

20. The proposed development would be partly 'backland' in character. This, in itself, would not be inherently harmful to the character of the area. There are several examples of residential roads that attach to the main roads through the village. On this basis, the proposal would complement the nucleated form of the majority of the settlement. The proposed layout would replace the existing bungalow with a pair of two semi-detached dwellings. The access road would then lead on to eight further dwellings beyond. Plots 1 and 2 would generally align with the established building line of houses on Common Road in terms of height and setting.
21. The arrangement of the eight further dwellings would create a relatively uniform front building line, remaining close to the new roadway. The site is of sufficient width to ensure that the proposed housing would create a conventional street form. Dwellings would be orientated to face each other and overlook the new street. Furthermore, the proposal would be of a suitable density that would complement its semi-rural location. It would include comparatively generous gardens and space between dwellings to provide views of the countryside beyond. Therefore, the proposal would be well designed, consisting of a scale, form and layout that would complement and integrate well with the design of local housing.

Summary on character and appearance

22. Overall, the proposed development would be of a suitable scale, form and layout and would represent good design. The site would be adjacent to existing built form creating a natural extension to the village. Nonetheless, it would introduce built development on the edge of the village within a comparatively exposed location. It would intrude into the open rural setting beyond the established linear pattern of local development. This would erode the settlement edge with a stark and obtrusive form of development. As such, taking these points together, and accounting for its design merits and relationship to existing built form, the proposal would result in moderate harm to the character and appearance of the area.
23. Accordingly, the proposal would conflict with LP policies OS2, OS4 and EH2, the West Oxfordshire Design Guide (2016) and the Framework. These seek, among other matters, for development to conserve the intrinsic character, quality and distinctive natural and man-made features of the local landscape, and to protect the local landscape and the setting of the settlement.

Other Matters

Affordable Housing provision

24. The UU also provides two affordable Housing units. These would be for shared ownership occupation and would be managed by a registered provider. These would be sold to applicants through the Right to Buy initiative and would be first offered to people with a local connection. These would be in the centre of the site and indistinguishable in design terms from the remaining development. The submitted UU would adequately secure their delivery.
25. This provision is not required by LP policy H3, concerned with the delivery of affordable housing, but is offered as a means to meet local affordable housing need. This provision also garners strong support from the Framework which seeks the provision of housing needed for different groups in the community to

be assessed and reflected in planning policies. The Council confirmed at the Hearing that the units would meet a local housing need for this type of affordable housing. Although noted that the need as expressed by the Appellant may include groups with differing priorities of need, I am satisfied that a significant level of local need exists that the proposal could help deliver.

Previously developed land

26. LP Policy H2 supports new dwellings in villages on Previously Developed Land (PDL) within or adjoining the built-up area where the loss would not conflict with other policies and complies with LP policy OS2. The appeal site consists of both an existing dwelling and various areas of associated land. It is a matter of dispute between main parties as to how much of the site constitutes PDL.
27. The Framework defines PDL as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It excludes a number of land types including land in built up areas such as residential gardens. A definition of "built-up" is not included in the Framework. Nevertheless, "built-up areas" are not synonymous with urban areas and may be found in rural locations if there is development around the site or within the wider area.
28. The Appellant takes the view that this exclusion only relates to residential gardens in urban locations and refers to case law to support this assertion³. However, whilst I am content that gardens associated with housing in remote rural locations could be PDL, the appeal site is not in such a location. The residential garden of the site forms a loose rear boundary that generally follows the established rear boundaries of neighbouring plots. This seems to define the built-up limits of the village in this area. As such, the residential garden containing all domestic outbuildings, would be within the built-up area of the village and would not therefore constitute PDL.
29. The parcel of land in the middle of the site, including the long barn that runs parallel to Common Road, appears to be associated with agricultural activity. This land and the associated building would therefore also be excluded from the definition of PDL. Accordingly, other than the footprint of the existing dwelling, the proposed development would not result in the reuse of PDL.

Other considerations

30. The Council has stated that the proposal would also be contrary to LP Policy H4, with respect to housing mix, although it clarified at the Hearing that this alone would be an insufficient reason to refuse the scheme. For the avoidance of doubt, I find that the proposal would comply with LP policy H4, in providing a balanced mix of property types and sizes. Even if there is a need for smaller housing in the area, the scheme would nevertheless support the overall housing needs in the district. Furthermore, whilst being within an undeveloped site, on the settlement edge, the Appellant has demonstrated that the proposal would assist in meeting an identified need for both open market and affordable housing in accordance with LP policy H2.
31. The dwellings of plots 1 and 2 would be largely within the consistent front building line of adjacent properties along this part of Common Road. These

³ Dartford BC v SoS [2016] EWHC 635 (admin)

would stand slightly in front of 46 Common Road (no 46), but due to the separation distance this relationship would not materially harm the outlook or result in a demonstrable loss of light from the neighbour's nearest front facing windows. No 46 has a side window within the apex of its pitched roof. This would only gain limited views towards the site and would not be materially obscured by the dwelling of plot 2 due to the new dwelling being sited slightly forward of the neighbouring dwelling. The proposed gardens would not be materially overlooked due to the oblique angle that could be achieved from the neighbouring window and the positioning of the proposed dwelling.

32. The proposed dwellings, especially for plots 10 and 9, would affect the outlook from the rear elevations of 38-42 Common Road. The rear gardens of these neighbouring plots are comparatively deep and wide and have limited rear boundary planting, especially No 40. As such, occupiers gain a largely open aspect beyond their rear boundaries through the site. The dwelling of plot 10 would include a car port to its side, between the dwelling and the boundary. Due to the length of the neighbouring gardens and the separation distance between built form, the proposed development would not be overbearing or result in a loss of daylight to these neighbouring occupiers. The existing rear elevations are west facing. Due to the relatively open rear aspect, sunlight from at the end of the day would be obscured by the proposal. However, this reduction would be limited to short periods of the day and would not result in a deleterious loss of sunlight.
33. Also, the separation distance to dwellings within Common Close would be relatively generous and intervisibility reduced through existing vegetation on both the site boundary and within existing gardens. Accordingly, this relationship would not result in a material loss of outlook or overlooking to occupiers of Common Close. As such, overall neighbouring occupiers and those further from the site, would not experience a material impact on their living conditions.
34. Interested parties have indicated that existing drains within the village are at capacity and this has resulted in flooding recently. Nevertheless, the Appellant's Drainage Statement (October 2020) illustrates that the site would not be vulnerable to flooding and the proposal would include a sustainable drainage strategy that would limit off-site outfall rates, incorporating a sustainable drainage system including an attenuation tank. It is noted that the Lead Local Flood Authority objected to the proposal. This appears to have been based on a technical objection as it did not object to the sustainable drainage design principles. Consequently, I am satisfied that this matter can be suitably addressed by the imposition of a planning condition.
35. The Appellant's ecological survey (September 2020) found no evidence of bats within the building, outbuildings or trees. It also found no evidence of nesting birds within the bungalow although an old bird nest was discovered in an outbuilding. The survey also found no evidence of badgers, reptiles or amphibians and attributed the site as being of low ecological value. Upon consideration of the findings of the survey, the Council's bio-diversity officer raised no objection subject to the recommendations and mitigation measures of the survey being secured by planning condition. Interested parties have suggested that the site was previously subject to greater tree cover and its overall ecological value has been degraded by previous tree clearance works. Nevertheless, I am satisfied that the site has a low habitat value and am

equally satisfied that, subject to the offered on-site and off-site bio-diversity measures, the proposed development would deliver a bio-diversity net gain in satisfaction of LP policy EH3.

36. The proposed development would result in limited new traffic movements in and out of the village. I am satisfied that the local roads could accommodate the anticipated additional traffic without materially increasing congestion or queue lengths. Furthermore, the evidence before me does not indicate that this minimal increase of traffic would cause significant harm to highway safety, and I note that the Highway Authority takes a similar view.
37. The use of the access would result in vehicles and pedestrians passing adjacent gardens. The proposed boundary, adjacent to 42 Common Road, would include a buffer strip with landscape planting adjacent to an existing boundary fence. The proposal would result in a limited number of vehicle movements, travelling at low speeds along the access drive. Occasional larger delivery vehicles may need to attend the site, but such activity would be limited and infrequent. The modest scale of the proposal would be unlikely to result in significant vehicular disturbance to adjacent occupiers in terms of either noise, light spill or pollution.
38. Furthermore, none of the other matters raised by interested parties, including the inadequacy of local school places, raise considerations that would strongly weigh against allowing the proposal.
39. The proposal follows two previous schemes that were refused by the Council. The first scheme, for 5 dwellings, was substantially different to this proposal. The second scheme shares many design characteristics with the proposal, but has a slightly smaller overall development footprint, and was determined when the Council found that it had a 5-year HLS. As such, although, mindful of these previous decisions, they have had only a limited bearing in my approach to the merits of the proposal the subject of this appeal.

Conditions

40. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
41. It is necessary for details relating to an Environmental Management Plan, Drainage strategy and a Bio-diversity certificate for off-site mitigation to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because they relate to the initial setting out of the site and the environmental measures may require extended time to be resolved. These measures ensure the development would not adversely harm the living conditions of neighbouring occupiers and to meet LP policy EH3 with respect to bio-diversity net gain.
42. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty. Conditions are necessary with respect to the use of the proposed materials, as detailed in the submission, in the interests of the character and appearance of the area. It is

also necessary to ensure that the proposal would deliver the necessary ecological enhancements, including on-site bio-diversity enhancements and boundary hedgerow/tree planting, in satisfaction of LP policy EH3 and the character and appearance of the area.

43. It is necessary for the access and on-site hardstanding to be laid out, for car ports to be retained as designed and for the scheme to provide cycle storage to ensure the development functions well and supports access to sustainable forms of transport. A condition to protect the site against unexpected contamination is also required to protect the living conditions of future occupiers due to the agricultural and storage uses associated with parts of the site. It is also necessary to require the side window of plot 9 to be obscurely glazed to protect the living conditions of future occupiers of plot 10 and existing neighbouring gardens.
44. The Council has suggested that permitted development (PD) rights, conveyed by Schedule 2, Part 1, Classes A, AA, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, are removed and the addition of further windows are prevented. However, the Framework advises that conditions should not be used to restrict PD rights unless there is clear justification to do so. I am unconvinced by the Council's justification that Rights should be removed to ensure that the development remains under 1,000sqm. This is a trigger to determine whether affordable housing is required and insufficient justification to remove occupier's normal ability to exercise their PD Rights.
45. Nevertheless, due to the exposed nature of the site it would be necessary to remove those Rights associated with roofs alterations. It would also be necessary to remove Rights to add new windows to the side elevations of plots 6 and 7 to reduce the likelihood of the proposed boundary trees being removed by future occupiers as these would provide some screening to the development. These measures would ensure that the proposed dwellings would complement the character and appearance of the area.
46. I have not applied the Council's suggested conditions with respect to details of solar panel fixings, noise attenuation or the submission of material samples. These details are unnecessary as the site is not in a noise sensitive area or an area of historical significance and the submitted details would deliver a scheme of good design.

Planning Balance and Conclusion

47. The adverse impact arising from the proposal occurs from its harm to the character and appearance of the area resulting in a proposal that would not accord with the development plan.
48. The relevant provisions of LP policies OS2, OS4 and EH2 accord with the Framework which requires decisions to contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside and for development to be sympathetic to the local character and landscape setting. Due to the consistency of these policies with the Framework significant weight should be attached to the conflict with the development plan. Nevertheless, the level of harm found to the character and appearance of the area would be moderate.

49. Set against this the general housing supply position is seriously deficient. Also, whilst the proposal would include only a small area of PDL it would be necessary for greenfield land to be brought forward for housing development due to the Council's HLS position. The proposed development would form a natural extension to the settlement, adjacent to existing residential plots on two sides and would consist of housing of good design that would function well. The net gain of nine new houses would not greatly improve the total supply of housing in the area, but in circumstances such as where the absence of an adequate HLS is substantial, any additional provision would be valuable in meeting the Government's objectives.
50. The scheme would be a small-scale windfall site that could be delivered relatively quickly enabling it to make a rapid contribution to housing numbers in the area. Furthermore, the proposed affordable housing would contribute towards the needs of a group with specific housing requirements, a benefit strongly advocated in the Framework. Consequently, these matters are of considerable weight in favour of the scheme.
51. Other benefits referenced by the Appellant, including a bio-diversity net gain of 10%, economic benefits and the delivery of planning contributions, would garner only limited weight in favour of the proposal as these could flow from any housing scheme and the latter component would be necessary to meet policy requirements.
52. Paragraph 9 of the framework explains that the three objectives of sustainable development are not criteria against which every decision should be judged. Rather, where paragraph 11 d) is engaged, the starting point is that permission should be granted. The overall adverse impact on the character and appearance of the area would be moderate and qualified by the relative small-scale nature of the proposal. The objections identified by the Council would need to surmount a high hurdle in order to prevail in this balance. Indeed, the harm does not significantly and demonstrably outweigh the benefits of nine (net) additional homes, when assessed against the policies in the framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.
53. For the above reasons, the appeal is allowed subject to the associated Legal Agreement and the attached conditions.

Ben Plenty

INSPECTOR

APPEARANCES

For the Appellant;

Tim Northey - Associate Planning Director
Chris Jenkinson – Aspect Landscape Planning

For the Council;

Mr Chris Wood – Senior Planner (Appeals)

Interested parties;

Mr Soave (Resident)
Councillor Sarah Veasey
Councillor St John

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: PL 100 Location Plan; PL 102D Proposed Site Plan; PL 103C Proposed Boundary Treatments Plan; PL 104B Construction Traffic Management Plan; PL 105B Refuse Vehicle Tracking; PL 107C Street Scenes; PL 110A Plots 1&2 Floor Plans; PL 111B Plots 1&2 Elevations; PL 113 Plot 3 Floor Plans; PL 114A Plot 3 Elevations; PL 116A Plots 4&5 Floor Plans; PL 117B Plots 4&5 Elevations; PL 119 Plots 6&7 Floor Plans; PL 120A Plots 6&7 Elevations; PL 122A Plots 8&9 Floor Plans; PL 123B Plots 8&9 Elevations; PL 125A Plot 10 Floor Plans; and PL 126B Plot 10 Elevations and 6350-MJA—SW-XX-DR-C-001 P4 Drainage Layout.
- 3) The development shall be constructed with the materials specified in the application.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes AA, B and C shall be carried out other than that expressly authorised by this permission.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the west facing side elevations of the dwellings of plots 6 and 7 hereby approved.
- 6) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- 7) Prior to work commencing on the site, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include the following details: Development contacts, roles and responsibilities; Public communication strategy, including a complaints procedure; Dust suppression, mitigation and avoidance measures; Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation; Use of fences and barriers to protect adjacent land, properties, footpaths and highways; Details of parking and traffic management measures; Avoidance of light spill and glare from any floodlighting and security lighting installed; and wheel washing facilities.

- 8) The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
- 9) No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
- 10) The carports hereby permitted shall be used for the parking of vehicles and ancillary domestic storage only and shall not be enclosed or used as additional or independent living accommodation without the prior approval, in writing, of the Local Planning Authority.
- 11) Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- 12) No development shall commence unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider to deliver the required 0.5 biodiversity units has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for its records.
- 13) The development shall be completed in accordance with the recommendations in Section 6 of the Ecological Survey Report dated September 2020 prepared by Philip Irving (pages 10 to 12 inclusive), as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained and maintained.
- 14) Before the erection of any external walls of the new dwellings hereby approved, full details of the following biodiversity enhancements shall be submitted to, and approved in writing by, the local planning authority. These shall include 1 no. integrated bat box integrated into each of the northern elevations of the properties on plots 1, 3, 4, 5 and 6 (i.e. 5 no. boxes in total); Clusters of 3 no. integrated swift bricks into the northern elevations of the new buildings on plots 2, 7, 8, 9 and 10 (i.e. 15 no. swift bricks in total); and the creation of gaps beneath fencing to provide 'hedgehog highways'. The details shall include technical drawings showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained and maintained.

- 15) A Hedgerow Planting and Management Plan (HPMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development hereby approved. The content of the HPMP shall include a full landscaping specification for the planting of new native and species-rich hedgerows (at least 6 no. native tree/shrub species) and enhancement of the existing hedgerow, including species composition and planting regime (e.g. double staggered rows); Aims and objectives of the long-term management of existing and new hedgerows; Appropriate management options for achieving aims and objectives; Prescriptions for management actions; An annual work schedule (i.e. identifying timing of management operations); and Details of how the HMP will be communicated to the occupiers of the development (e.g. as part of a 'homeowners information pack' or similar). The planting of the new hedgerows and the provision of the management plan to new residents shall be implemented in full in accordance with the approved details.
- 16) The approved dwelling of plot 9 hereby permitted shall not be occupied until the first-floor landing window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 17) Prior to the commencement development, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority. Such details shall include an assessment of the potential for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework. The assessment shall provide information of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the means to prevent pollution of the receiving groundwater and/or surface water. Where applicable, the details shall include infiltration tests, calculations and controlled discharge rates. The approved drainage scheme shall be implemented prior to the first occupation of the development.

End of conditions