



Appeal Decision

Site visit made on 18 April 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/R1845/W/22/3309021

Land at Habberley Road, Kidderminster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Wyre Forest District Council.
 - The application Ref 21/0421/OUT, dated 23 February 2022, was refused by notice dated 27 July 2022.
 - The development proposed is described as "outline planning application (with all matters reserved except for means of access) for erection of up to 124 dwellinghouses, including public open space and landscaping, surface water attenuation and associated infrastructure."
-

Decision

1. The appeal is allowed and planning permission is granted for outline planning application (with all matters reserved except for means of access) for erection of up to 124 dwellinghouses, including public open space and landscaping, surface water attenuation and associated infrastructure at Land at Habberley Road, Kidderminster in accordance with the terms of the application, Ref 21/0421/OUT, dated 23 February 2022, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Richborough Estates against Wyre Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal relates to a scheme for outline permission with access only to be considered at this stage. All other matters have been reserved for determination at a later date. Plans providing details of any of the reserved matters have been treated as illustrative plans for the purposes of my decision.
4. There is a planning obligation before me, the Council has confirmed that it is necessary and reasonable, responding to the nature, type and scale of the proposed development. There is nothing compelling before me to disagree. I have therefore taken it into account.

Main Issue

5. The main issue is the effect of the proposed development on highway safety.

Reasons

6. The appeal site comprises an agricultural field bound by the B4190 (Habberley Road) and Low Habberley roads to two sides and agricultural land and a care home to the others. The site is located on the outskirts of Kidderminster and would be accessed in two locations from Habberley Road. Nearby roads have two lanes with Habberley Road and Low Habberley restricted to 40 mph. Low Habberley increases to national speed limit as you head out of Kidderminster, with Habberley Road reducing to 30 mph where it heads towards the centre of Kidderminster and Habberley.
7. At the time of my site visit a number of cars passed the site from both directions along Habberley Road. Additionally, a number of vehicles used the nearby mini roundabout. I appreciate my site visit provided only a snap shot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest i.e. in the mornings and evenings when most people commute.
8. Policy SP.27 of the Wyre Forest District Local Plan (2016-2036) (2022) (LP) states that proposals must demonstrate that road safety issues have been addressed. Paragraph 111 of the National Planning Policy Framework (the Framework) indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
9. The appeal site was removed from the West Midlands Green Belt and is now allocated for residential development. Policy SA.K16 of the LP specifically relates to the appeal site and requires that the site is accessed from Habberley Road.
10. The Council are concerned that the proposed development would have a harmful impact on nearby traffic islands they consider to be close to capacity. They have also raised concerns regarding the highways data collected as surveys were undertaken during the COVID-19 pandemic.
11. The submission is accompanied by Transport Assessment (TA), an update in the form of an Addendum, Highways Appeal Statement and Highways Rebuttal statement. In their submission the appellant has confirmed that, whilst surveys were undertaken during covid, traffic counts were increased using growth factors. In addition, the appellants submission details that the traffic counts used to inform the appeal submission detail higher flows than recent counts at the site in September 2022.
12. The Highways Rebuttal confirms that nearby developments were reviewed in the assessment of traffic numbers on the local highway network. In particular, two nearby developments of 240 and 600 dwellings were reviewed with the appellants submission advising that their transport assessments concluded that there would not be a material increase in flows on the highway networks reviewed for the appeal scheme.
13. Concerns have been raised in relation to nearby traffic islands, in particular a roundabout to the north-east of the appeal site where Habberley Lane, Wolverley Road and the A442 meet. The appeal submission details that this roundabout is currently operating at 85% of capacity. The TA goes on to state

that when taking account of predicted increases in traffic movement and the predicted movements associated with the proposed development the roundabout would be at capacity. Queuing would likely increase at peak times, with the TA stating that the queue would increase by one vehicle and there would be a delay of three seconds.

14. I have had regard to the correspondence detailing the lengthy discussion between the appellant and the LHA regarding the proposed methodology and traffic flow data. The LHA accepted the methodology and did not object to the proposed development provided that planning conditions and obligations were attached to any permission.
15. Based on the evidence submitted and the comments made by the LHA, and in the absence of any cogent evidence to the contrary, I am satisfied that the conclusions contained with the TA and associated documents have been made on a sound methodology and robust data.
16. Whilst the proposed development would increase traffic numbers, it would not over capacitate junctions at peak times to the extent that there would be a significant level of queuing or delays. As such, the local highway network can accommodate the traffic generated from the proposed development.
17. Additionally, there are a number of services and facilities within walking distance, including bus stops and the proposed development would construct a 3 metre wide pedestrian and cycle link. Conditions and planning obligations would secure these along with contributions towards community transport, bus stop flag and pole, travel plans and highway monitoring. The proposal would therefore offer a number of opportunities to utilise travel options other than the private vehicle.
18. I have had regards to representations made by local residents with regards to highway and pedestrian safety. During my site visit I noted that Low Habberley and Habberley Road have good visibility which would allow any pedestrians crossing the roads to have good visibility of any oncoming vehicles. Additionally the Committee Report confirms that crash information for the surrounding roads was obtained by the appellant which confirmed that there were currently no highway design and safety issues. As such, I do not consider that the proposed development would harm pedestrian safety.
19. Accordingly, I conclude that the proposal would not harm highway safety. It would therefore comply with LP Policy SP.27 which seeks, amongst other things, to ensure that development would minimise the demand for travel and address road safety issues. The proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

20. Local residents have raised a number of concerns and I have had regards to all representations received on the application and appeal.
21. The site is included within the LP as an allocation for residential development. Additionally, due to its location, bound on two sides by roads and a further by a care home, with residential development on opposite sides of Habberley Road and Low Habberley, the site would ultimately be viewed as part of a wider residential development. Whilst there would be a loss of agricultural land, the

- site would be spatially and visually linked to the wider residential development of Kidderminster rather than the open land to the north and north-west.
22. The appeal submission details a number of technical documents, including heritage assessments and ecology surveys. These conclude that there are no designated heritage assets within the vicinity of the appeal site and non-designated heritage assets would not be harmed. The habitat at the appeal site is confirmed by these surveys and consultees as being poor and that impacts on biodiversity and trees can be adequately mitigated and enhanced. The proposal would provide for biodiversity net gain.
23. The submission is accompanied by a Flood Risk Assessment (FRA) which concludes that the proposed development is not at risk of flooding and mitigation measures would ensure that there would not be a risk elsewhere. Mitigation measures in the form of infiltration basins and planting have been proposed. Technical consultees have reviewed the submission and have offered no objection. Upon review of this information I have no reason to come to a different view.
24. Regarding the location and need for housing and the type and affordability of housing, as noted above, the appeal site is allocated for housing. The LP states that for the development plan period 5,520 dwellings are required across the area with 1,321 of those required in Kidderminster. As such, there is a clear need for additional dwellings in Kidderminster and the appeal site forms part of the proposals to meet these housing demands. Whilst the proposal is in outline, the submitted Health Impact Assessment states that a range of dwellings would be provided including flats, terraced, semi and detached dwellings. These would range from one to four bedrooms. 25% of these would be affordable and two plots would be self-build plots. I note comments regarding brownfield sites elsewhere being more appropriate, however the appeal site is allocated for housing, as such the principal of residential development is considered to be acceptable.
25. A public right of way is located to the south of the appeal site and this would be retained. I note that the appeal site has been utilised by nearby residents for recreational purposes, such as dog walking. The proposal would retain these informal routes around the edge of the site and a condition would secure their provision.
26. I have had regard to the comments made relating to pressure on existing services, such as GP's and schools. In order to mitigate the proposed development a number of financial contributions form part of the planning obligation. This includes contributions to education and health to be spent on improvements, such as additional or extended class rooms and health premises or improved digital or telehealth infrastructure. From reviewing the submission and consultee responses I am satisfied that these contributions would mitigate the impact of the proposed development.
27. Regarding the living conditions of nearby and future occupiers with regards to noise and air pollution, the proposal is supported by a number of technical documents, including mitigation. Additionally, I have had regard to consultation responses from technical consultees who consider that the proposed mitigation, such as glazing, would be sufficient to mitigate any impact on future residents. With regards to the impact of construction on nearby residents, the timing of construction works would be conditioned as part of a construction management

plan in order to reduce these impacts. In light of the submitted evidence, and in the absence of anything sufficiently compelling to the contrary, the proposal would not have a harmful effect on the living conditions of future occupiers.

Conditions

28. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). Conditions specifying the number of housing, accessibility of housing and water and energy efficiency are necessary in order to ensure an appropriate mix and type of housing and that water efficiency and sustainable energy solutions are provided.
29. I consider that conditions regarding surface and foul water drainage, archaeological works, mineral extraction, land contamination, construction environmental management plan, local ecological management plan, biodiversity net gain, and tree and hedgerow protection are necessary in order to ensure that the biodiversity, environment, local wildlife sites/nature reserves and the historic environment of the area is safeguarded during construction and lifetime of the development. A condition requiring further details on recreational paths is required in order to safeguard these routes for the wider area.
30. Landscaping conditions are necessary in order to ensure the proposed landscaping is completed and maintained. Updated noise and air quality information and the provision of a construction management plan are necessary in order to safeguard the living conditions on existing and future residents during construction and the lifetime of the development. Conditions regarding highway improvements, travel plan and electric car charging are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling.
31. I have altered the wording of some conditions in order to ensure they comply with the PPG.

Conclusion

32. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced. The development shall be carried out in accordance with the approved reserved matter details.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 001-03, Proposed Northern Site Access Layout T18609.001 Rev C, Proposed Southern Site Access Layout T18609.003 Rev G, Proposed pedestrian/cycle improvements at Habberley Road/Low Habberley/B4190, Roundabout T18609.005.D, Tree Protection Plan 30-1033.03 Sheet 1, Landscape Strategy Plan 12057/P06
4. The number of dwellings hereby permitted shall not exceed 124 and there shall be at least 2 self-build and/or custom-build plots provided within the development.
5. The details relating to layout and landscaping to be submitted in accordance with Condition 1 above shall include on-site provision of at least 2.24 hectares (40% of site area) of green infrastructure, 2 semi-mature Oak trees and show that the development would be in conformity with the principles set out in the Landscaping Strategy Plan 12057/P06.
6. The reserved matters application relating to layout shall include an updated Noise Assessment including mitigation measures to demonstrate that the development has been designed to ensure that indoor ambient noise levels in living rooms and bedrooms meet the recommended standards within BS 8233:2014 and all outdoor amenity areas meet the 55dBA daytime WHO Community Noise Guideline Level. The development shall be undertaken in accordance with the approved mitigation measures.
7. Following completion of at least 50% of the dwellings within the development as a whole, an Accessible Housing Certification Table containing the full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:
 - Which and how many dwellings within the development have satisfied M4 Category 2*: accessible and adaptable dwellings standards;
 - Which and how many dwellings within the development have M4 Category 3* wheelchair accessible dwellings standard.

*contained within Part M Volume 1 (Approved Document) of The Building Regulations 2010, or any such Approved Document or Regulations for the time being in force, including any modification, extension or re-enactment of the same and including all instruments, orders, regulations and directions for

the time being made, issued or given under the Approved Document or Regulations (or deriving validity from the same).

A minimum of 20% of the total number of dwellings shall be M4 (2) and a minimum of 1% of the total number of affordable housing provision shall be M4 (3). The accessible dwellings shall be provided in accordance with the agreed details and shall be retained as provided for thereafter.

8. The dwellings hereby permitted shall achieve the minimum requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.
9. No development above dampproof course shall be carried out until details of the heating system, in accordance with the Wyre Forest District Local Plan (2022), to be used by each dwellinghouse hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
10. Prior to commencement of the development hereby permitted, details of the unadopted recreational footpaths to be provided around the edge of the site with links to B4190 Habberley Road and Low Habberley shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the layout, minimum width of the footpath, surfacing materials, drainage details, provision of public seating and dog waste bins and timescale for implementation. The footpaths shall then be provided in accordance with the approved details within such timescales as approved and maintained thereafter for the lifetime of the development. The footpaths shall remain fully publicly accessible.
11. The protection of any existing tree and hedgerow to be retained in accordance with the approved plans and particulars: submitted Tree Protection Plan 30- 1033.03 and Tree Survey & Arboricultural Implications Assessment shall be achieved as follows:
 - a. no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars as referenced above which shall have been previously submitted to and approved by the Local Planning Authority in writing;
 - b. if that fencing is broken or removed during the course of carrying out the development it shall be immediately repaired or replaced to the satisfaction of the Local Planning Authority;
 - c. the fencing shall be maintained in position to the satisfaction of the Local Planning Authority until all equipment, machinery and surplus materials have been moved from the site;
 - d. within any area fenced in accordance with this condition nothing shall be stored placed or disposed of above or below the ground, the ground level shall not be altered, no excavations shall be made, no mixing or use of other contamination materials or substances shall take place, nor shall any fires be lit without the prior written consent of the authority; and
 - e. no equipment, machinery or structure shall be attached to or supported by a retained tree.

- f. These measures shall apply for the duration of the construction phase and until all equipment; machinery and surplus materials have been removed from the site.
12. All existing hedgerows around the perimeter of the site (other than those to be removed to facilitate the proposed site accesses shown on T18609.001 Rev C, T18609.003 Rev G, T18609.005.D and T18609.003 Rev G) shall be maintained and allowed to grow up to a minimum height of 0.6 metres and retained thereafter. Any hedgerows which die or become seriously diseased or otherwise damaged shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of similar size and species.
13. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
14. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
15. Prior to commencement of the development hereby permitted a construction surface water management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

16. Prior to commencement of the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. Prior to commencement of the development hereby permitted a programme of archaeological work including a Written Scheme of Investigation(s), shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
18. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 17.
19. Prior to commencement of the development hereby permitted a landscape plan and schedule of landscape maintenance, to cover a minimum period of 5 years post-construction, shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation, species mix and measures for monitoring and replacement of any trees, hedging or herbaceous species that fail within the stated period. Development shall be carried out in accordance with the approved schedule.
20. Notwithstanding the submitted details, within 3 months of commencement of the development hereby permitted, method statements detailing the creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment shall be submitted to and approved in writing by the Local Planning Authority. The method statements shall include:
- purpose and objectives for the proposed works;
 - detailed designs and working methods necessary to achieve the stated objectives;
 - extent and location of proposed works shown on appropriate scale maps;
 - timetable for implementation;
 - persons responsible for implementing the works; and
 - initial aftercare and long-term maintenance.

Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or

become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

21. The development hereby permitted shall be implemented in accordance with the scheme of ecological mitigation measures as set out in the Low Impact Ecological Assessment (report reference RSE_2035_01_V4, dated March 2021) and Updated Ecological Walkover (reference RSE_2035b_L1_V1, dated June 2022), submitted with this application.
22. The reserved matters application relating to layout shall include a revised Biodiversity Net Gain calculation using the most up to date version of the DEFRA Biodiversity Metric at that time and a Biodiversity Enhancement Plan to be submitted with the application. The development shall be undertaken in accordance with the approved enhancement measures.
23. An updated bat survey shall be carried out and a report of findings submitted to and approved in writing by the Local Planning Authority. The report will include, where the presence of bats or bat roost is established, appropriate measures to safeguard the protected species. Such measures shall be carried out in accordance with a programme to be incorporated in the report and agreed in writing by the Local Planning Authority.
24. No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - Risk assessment of potentially damaging construction activities
 - Identification of "biodiversity protection zones" within the site
 - Pollution Prevention Strategy to ensure protection of retained ecological features/zones and prevention of pollution during construction, especially in relation to any direct harm, runoff, noise, extraneous light or dust risks to the nearby local nature reserves, local wildlife sites, mature trees, hedgerows and other offsite habitats.
 - The location and timing of sensitive works to avoid harm to biodiversity features and nesting birds
 - The times during construction when specialist ecologists need to be present on site to oversee works and the role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
25. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include:
 - description and evolution of landscape and ecological features to be managed, including locations shown on a site map;
 - description of enhancements to habitats to be retained on site including hedgerows and new habitat creation (SuDS ponds, species rich grassland, flowering lawns, wildflower meadows and street trees);
 - site constraints that might influence management;
 - appropriate management options for achieving aims and objectives;

- prescriptions of management actions;
- Preparation of a work schedule (including annual work plan capable of being rolled forward over a 30-year period);
- details of the body or organisation responsible for implementation of the plan;
- on-going monitoring and remedial measures;
- the LEMP shall include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured by the developer with the management body responsible for its delivery; and
- the plan shall set out (where the results of monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details and ensure delivery of a net biodiversity gain which shall be provided/created prior to the first occupation of the development (and shall thereafter be maintained in accordance with the approved LEMP).

26. Prior to the commencement of the development hereby permitted details of all external lighting to be installed during the construction phase and post development including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

27. Prior to the commencement of the development hereby permitted, an Air Quality Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Air Quality Assessment must be undertaken by a suitably qualified professional(s) and comply with Worcestershire Regulatory Services recommendations for AQAs. The Air Quality Assessment should consider the impact of the development cumulatively with committed developments, on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation. The mitigation measures shall be carried out in full prior to the first occupation of the development.

28. No dwelling hereby permitted shall be occupied until the vehicular accesses have been provided as shown on the Proposed Northern Site Access layout plan T18609.001 Rev.C and the Proposed Southern Site Access Layout plan T18609.003 Rev.G.

29. No dwelling hereby permitted shall be occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details, which shall first be submitted to and approved in writing by the Local Planning Authority and, thereafter, the approved cycle parking shall be kept available for the parking of bicycles only.

30. No dwelling hereby permitted shall be occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging

point(s) shall be of the same specification or a higher specification in terms of charging performance.

31. Prior to commencement of the development hereby permitted a Construction Management Plan (CMP) shall be submitted to and been approved in writing by the Local Planning Authority. This shall include but not be limited to:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement; and
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved CMP shall be carried out and complied with in full during the construction of the development hereby permitted. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the Local Planning Authority.

32. No dwelling hereby permitted shall be occupied until a Travel Plan in accordance with the County Council guidelines has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall promote sustainable forms of access to the development site and will thereafter be implemented, monitored for a minimum of five years, and shall be updated in agreement with Worcestershire County Council's Travel Plan officer and thereafter implemented as updated.

33. Prior to commencement of the development hereby permitted a street lighting assessment shall be undertaken and a report has been submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the following aspects:

- the lighting levels provided at the access junctions;
- the lighting levels on the surrounding public highway;
- need for replacement of any existing lighting units; and
- consultation with the WCC Ecologist.

34. Prior to commencement of the development hereby permitted, an incidental recovery plan for minerals shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The plan shall include:

- i. An estimation of the tonnage of on-site mineral resources of national and local importance (including sand and gravel) that will be extracted during the normal course of the development that would meet specifications for use on site; and
- ii. Details of the likely tonnage of these resources that will be used within the development and how they will be used; and
- iii. An outline of the form and content of a report to be provided annually to the LPA and MPA recording the amount of minerals of

national and local importance extracted each calendar year, including the amount of these resources that were used on site and how they were used; and

- iv. Acknowledgement that, where the tonnage of resources used within the development under (ii) is below the tonnage that was estimated to be extracted during the normal course of development under (i), consideration must be given to the sorting, storing and removal from site of those resources for recovery (in preference to disposal); and
- v. Acknowledgement that, in the event that the tonnage of resources extracted during the normal course of the development exceeds the tonnage estimated in (i), the developer must notify the Mineral Planning Authority of the amount and destination of the mineral resources prior to any export; and
- vi. Acknowledgement that, if the excess tonnage in (v) arises, a separate minerals planning permission may be required if the Mineral Planning Authority deems the amount to exceed "incidental recovery".

35.No dwelling hereby permitted shall be occupied until the high voltage 11kV overhead cable within the site shall be grounded.

36.No dwelling hereby permitted shall be occupied until details of the provision of a defibrillator shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location to be installed, timescales of provision and details of ongoing maintenance. The defibrillator shall thereafter be installed and maintained in accordance with the approved details.