



Appeal Decision

Site visit made on 22 January 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/Y3940/W/23/3325808

Meadow Farm Transport Yard, Brook Street, Great Bedwyn, Wiltshire SN8 3NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Moore & Rivar Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2023/01105.
 - The development proposed is the demolition of the existing commercial and agricultural buildings and replacement with new residential dwellings, together with parking, landscaping and any other associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing commercial and agricultural buildings and replacement with new residential dwellings, together with parking, landscaping and any other associated infrastructure at Meadow Farm Transport Yard, Brook Street, Great Bedwyn, Wiltshire SN8 3NA in accordance with the terms of the application, Ref PL/2023/01105, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.
3. Areas of Outstanding Natural Beauty (AONB) have been renamed as National Landscapes. The site is within the North Wessex Downs National Landscape (formerly North Wessex Downs AONB). Planning policy and the Framework still refer to AONBs. Whilst I have applied the policies for AONBs to my decision making, I have used the new term throughout this decision.
4. A Wiltshire Local Plan Review (the LPR) is emerging, which has reached Regulation 19 stage with consultation commencing in September 2023. My attention has also been drawn to the draft Neighbourhood Plan for Great Bedwyn (NP). However, given the early stage of the process for these documents, and the level of unknown objections, I have afforded them limited weight.
5. An additional plan was submitted with the appeal (Ref 8190469/6101 Rev D). This plan shows an amendment to the site access which appears to show

hedgerow removal to the site frontage and to the front of 16 Brook Street. I cannot be certain that all interested parties have had the opportunity to consider this plan. As the appeal process should not be used to evolve the design of a scheme, I have therefore determined the appeal on the basis of the plans considered by Wiltshire Council.

Main Issues

6. The main issues are:

- whether the proposal is in a suitable location for housing, with regard to the Council's spatial strategy;
- whether the proposal is in a suitable location for housing, with regard to access to services and facilities;
- whether the proposal would conserve and enhance the landscape and scenic beauty within the North Wessex Downs National Landscape (NL);
- the effect of the proposal on nearby designated and non-designated heritage assets at 13-16 Brook Street;
- the effect of the proposal on the character and appearance of the area, including the setting of the Great Bedwyn Conservation Area; and
- the effect of the proposal on highway safety.

Reasons

Location

7. The appeal site is located on Brook Street. The settlement boundary for the 'large village' of Great Bedwyn runs along the site's western boundary, the defined limits of which are set by the Wiltshire Core Strategy (2015) (CS). Consequently, the site lies in the open countryside.
8. Core Policies 1 and 2 of the Wiltshire Core Strategy (2015) (CS) identify that Wiltshire is a predominantly rural area and set out the settlement hierarchy for development. There is a general presumption against development outside the defined limits, with it being strictly controlled and only permitted in line with exceptions under other policies, the aim of which is to provide for the most sustainable pattern of development.
9. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. Therefore, whilst the site adjoins the settlement boundary of Great Bedwyn, it would nonetheless represent a more dispersed approach to development than that set out in the CS.
10. Whilst the LPR attracts limited weight, the main parties agree that the site is also located outside of the settlement boundary in this emerging plan. Additionally, whilst reference is made to development on sites outside of settlement boundaries on greenfield land, I have not been provided with details of these developments to give substantial credence to.
11. In support of the development the appellant states that the proposal comprises the redevelopment of previously developed land (PDL), which equates to approximately 71% of the site. The Council dispute the precise amount of PDL.

Paragraph 124 of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land *within settlements* (my emphasis). Whilst adjacent to the settlement boundary the appeal site does not form part of the settlement of Great Bedwyn and is thus located in the open countryside. Therefore, even if I were to accept that part of the site comprises PDL, given its location outside of a settlement, the support for its redevelopment would attract limited weight in these circumstances.

12. Drawing on the above, the proposal would represent a more dispersed approach to development than is set out in the CS and therefore would not provide a suitable location for housing. Thus, conflict arises with CS Core Policies 1, 2 and 18 which, amongst other matters, resist new homes in the countryside except in certain circumstances. Additionally, given the site's location outside of a settlement, the proposal gains no support from Paragraph 124 of the Framework.

Accessibility

13. Core Policies 60 and 61 of the Core Strategy set out that the Council will help to reduce the need to travel by private car by planning developments in accessible locations. New development should also be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable travel alternatives.
14. Great Bedwyn has some day-to-day facilities including a doctor's surgery, shop, public house, primary school, places of worship and a railway station. The site is not a considerable distance from these facilities and cannot be considered isolated. However, at my site visit I observed that the appeal site is separated from the facilities in Great Bedwyn by a bridge over the railway and canal and that the route into the village comprises a narrow, unlit lane with no dedicated pedestrian facilities along much of its length.
15. In light of these conditions, in a 2020 appeal for residential development on the site¹ (the 2020 appeal) the Inspector commented that pedestrians and cyclists would feel vulnerable to traffic, particularly in dark conditions, which would likely deter some pedestrians and cyclists from using this route routinely. I have not been presented with any evidence that the condition and nature of Brook Street or proximity to services has changed since that decision.
16. There are limited opportunities for employment within the village, and access to secondary education and more specialised services such as banking, as well as supermarket shopping, would, in all likelihood, result in additional vehicular movements to nearby larger settlements. Whilst Great Bedwyn is served by bus services providing connections to Marlborough and Hungerford, on the basis of the information before me, this service appears to run 4 times per day. Given the infrequency of this service, it has not been evidenced that bus services, including the demand responsive bus service, would provide a reliable alternative to the private vehicle in terms of frequency of services and routes offered. Therefore, it appears that there would be a limited prospect of future occupiers of the dwellings using these services from this location.
17. Nonetheless, the rail services from Bedwyn railway station provide frequent and direct connections to local settlements including Hungerford, Kintbury and

¹ Appeal reference APP/Y3940/W/20/3252195

Newbury, as well as connections to larger settlements including Reading and London. This would offer some degree of choice as to the mode of travel.

18. Consistent with the findings of the Inspector in the 2020 appeal, I find that there would be shortcomings in terms of accessibility to facilities and services and consequently the proposal would result in a degree of dependence on private travel. Nonetheless, it is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this. Two dwellings would not significantly add to the journeys that already occur from other nearby dwellings, and Great Bedwyn is not so distant that long journeys would occur. Furthermore, whilst acknowledging the shortcomings of the route into Great Bedwyn, there is no particular evidence before me that this would not form an acceptable route to most people during times of daylight.
19. Drawing together the above, the site would have a reasonable level of access to services and facilities. Thus, I find no conflict with those aims of CS Core Policies 60 and 61, the aims of which are set out above.

North Wessex Downs National Landscape

20. The site is located in the undulating downland countryside of the North Wessex Downs NL. The mosaic of varying landscapes, historic settlements and their interrelationship with each other form part of the special qualities and the scenic beauty of the NL. The site's value is therefore in its siting within the undulating downland countryside and the relationship between the rural site and the settlement of Great Bedwyn.
21. The appeal site comprises a number of utilitarian agricultural and commercial buildings. The buildings within the site have a functional agricultural appearance, some of which are in a state of disrepair. The Council suggest that the existing buildings are a typical feature, that agricultural buildings of this form and scale are found across the country and that the buildings were originally developed for the purpose of agriculture. Nonetheless, the disordered, commercial appearance of the site and the poor condition and scale of the buildings result in a cluttered appearance which is not reflective of the pleasant rural setting of the village. The low-lying position of the site and its containment by landform, vegetation and built form limits the visual impact of the site in longer views. Nonetheless, in its present form, the site detracts from the special qualities and the scenic beauty of the undulating downland countryside of the NL.
22. The proposal would result in a considerable reduction in built form on the site. Whilst some of the existing buildings would remain, this reduction would be noticeable in close range views of the site. The proposed 2 storey 'farmhouse' and 1.5 storey residential 'barn' buildings would, by virtue of their scale and 'farmyard' design and layout, appear less prominent in the wider landscape than the existing large buildings on the site. Given this, the proposal differs from an appeal at land adjacent to 19 Brook Street² in which the Inspector observed that the proposals would intensify development in a way that would detract from the rural character and appearance of the area. Furthermore, the reduction in the amount of built form and incorporation of a more traditional farmyard design and layout addresses the Inspector's concerns in the 2020

² Appeal reference APP/Y3940/W/17/3175968

appeal that the buildings were of a form that would be out of character with the rural surroundings.

23. The reduction in the amount of built form and the removal of dilapidated buildings, in combination with the extensive areas of proposed planting including an orchard and wildlife meadow, would have a beneficial effect on landscape character and I am satisfied that the details of the management and maintenance of proposed landscaping areas could satisfactorily be dealt with by condition. Given the site's containment and the extensive proposed landscaping strategy, domestic paraphernalia associated with the proposed dwellings would have limited impact on views of the site.
24. The proposal would have a beneficial effect on the scenic beauty of the NL. Thus, the proposal would accord with those aims of CS Core Policy 51 which states that development must not have a harmful impact upon landscape character. The proposal would also accord with Paragraph 182 of the Framework which states that great weight should be given to conserving and enhancing the landscape and scenic beauty in areas which have the highest status of protection, including NLs.

13-16 Brook Street

25. To the west of the site with frontages to Brook Street are 13-16 Brook Street. Nos 13 and 14 are Grade II listed red brick cottages with thatched roofs. These buildings derive their significance from the antiquity of parts of their fabric, from their architectural interest as a well-preserved example of a vernacular building of its type, and in the contribution the appearance of the buildings makes to the wider streetscape. Though not listed, Nos 15-16 are also traditional cottages which, by virtue of their traditional form, contribute positively to the character of the CA. These buildings are recognised as having townscape merit in the Great Bedwyn Conservation Area Character Appraisal and Management Proposal (2007). Consequently, they are considered to have a notable degree of heritage interest and thus are considered to be non-designated heritage assets (NDHA).
26. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting³ and the Framework requires that the effect of an application on the significance of a NDHA should be taken into account in determining an application and requires a balanced judgment having regard to the scale of any harm or loss and the significance of the asset.
27. Due to its proximity, the appeal site forms part of the rural surroundings in which these buildings are experienced and therefore forms part of their setting. Nonetheless, there is no indication that there is any functional relationship between these buildings and this particular farmstead, or that the site has any form of historic significance in association with these buildings.
28. The proposed dwellings would be sited some distance from these buildings and would be separated by a wildflower meadow and a thick screen of vegetation which would visually and spatially separate the proposal from these buildings. The buildings would still be seen within the context of the wider rural landscape, thereby retaining a tangible relationship with the surrounding agricultural land.

³ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

29. In light of the above, the setting of 13-16 Brook Street would be preserved and not harmed and there would be no harm to their significance. I therefore find no conflict with those aims of CS Core Policies 57 and 58 which state that, amongst other matters, development should conserve and where appropriate enhance designated heritage assets and their settings. For similar reasons, I also find no conflict with the Framework which requires that great weight be given to the conservation of heritage assets.

Character and appearance

30. The site is located outside of, but adjacent to the Great Bedwyn Conservation Area (CA). The CA encompasses most of Great Bedwyn and takes a broadly cruciform shape. The appeal site adjoins the eastern part of the CA, which comprises loose knit ribbon development of well-spaced vernacular cottages. This traditional, attractive, rural form and layout, in combination with the narrow width of the lane, absence of formalised footways, hedgerow frontages and the close association with the landscape results in the appearance of an informal country lane to the eastern part of the CA. The significance of the CA appears to derive from the way the settlement has evolved in a way that reflects the evolution of the village from its Saxon origins and its close association with the surrounding rural landscape.
31. The buildings within the appeal site have a functional agricultural/ commercial appearance. The siting of these buildings, which are set back within the site, contrasts with the linear pattern of development along Brook Street. Additionally, the derelict condition of these buildings, in addition to the siting of Heavy Goods Vehicles (HGVs) and equipment on parts of the site, results in a cluttered and disordered appearance which is at odds with the attractive, rural character of the surrounding area.
32. The proposed dwellings would be set back from Brook Street. This would encroach built form into an area of open countryside, contrary to the existing linear settlement pattern and the established character and appearance of the area. Nonetheless, the appeal site currently contains built form which does not reflect this linear settlement pattern. There would be visual benefits arising from the removal of the existing dilapidated buildings and the overall reduction in the amount of built form on the site. Additionally, the development of buildings consistent with the local vernacular and palette of materials in a 'farmyard' design and layout and the incorporation of large areas of orchard and wildflower planting would safeguard the village's close association with the surrounding rural landscape.
33. Drawing on the above, whilst the proposal would be contrary to the established settlement pattern, this would be outweighed by the visual benefits arising from the proposal such that there would be no harm to the setting of the CA overall or the character and appearance of the area. The proposal would therefore accord with those aims of CS Core Policies 57 and 58 which seek to conserve and where appropriate enhance designated heritage assets and their settings. For similar reasons, the proposal would also accord with the Framework which has similar aims.

Highway safety

34. Access to the proposed development would be gained from the existing site access from Brook Street. During my mid-morning site visit there was a light

flow of traffic on Brook Street, which I observed had a 30mph speed limit. Whilst a snapshot in time, there is nonetheless nothing in the evidence before me to indicate that those observations are atypical of the area. At my site visit I observed that the access serving the site has limited visibility as a result of the location of existing dwellings, hedgerows and the alignment of the road. The main parties agree that the access would be unable to achieve adequate visibility splays.

35. Nonetheless, it appears that the site access has been in use for a number of years by vehicles including HGVs and, whilst interested parties refer to 'near miss' incidents on Brook Street, there is nonetheless no compelling evidence that the existing access is unsafe despite it having been in use for some considerable time. Thus, there is no indication that the existing shortcomings in visibility have resulted in harmful highway conditions.
36. The appellant's evidence indicates that the proposal would result in 2 fewer vehicle movements over the course of the day and a reduction of 4 HGV movements compared to the existing situation. Consequently, the proposal differs from the 2020 appeal, in which the Inspector concluded the intensification of the existing access would be harmful to highway safety. Given the proposed reduction in vehicular movements compared to the previous use of the site, there is no indication that the use of the access as depicted on the site layout plan and drawing 8190469/6101 Rev B (included within the Transport Statement) would be harmful to highway safety.
37. The appellant's Transport Statement of Case sets out that the proposal would generate approximately 4 daily pedestrian movements and the majority of pedestrian demand associated with the site would be westbound along Brook Street to access the village centre, school and railway station. Based on the evidence before me I find no reason to take a different view.
38. The Inspector in the 2020 appeal found that the conditions of Brook Street would pose a risk to pedestrians given the narrow nature of the road, especially in the dark. I have not been made aware of any amendments to the condition of Brook Street since that decision. Nonetheless, there is no substantive evidence before me of a highway safety problem on Brook Street. I give due weight to the proximity of the appeal site to other dwellings and facilities and services in the village. Given the distances involved and the lightly trafficked nature of this route, there is no compelling evidence before me which indicates that these conditions would be particularly harmful to pedestrian safety.
39. In light of the above I find that the proposed access arrangements would not lead to unsafe highway conditions. I therefore find no conflict with CS Core Policy 61 which seeks, amongst other matters, to ensure that proposals are served by safe access to the highway network. I also find no conflict with the Framework which seeks to prevent development which would have an unacceptable impact on highway safety.

Planning Balance

40. With regards to the scheme's benefits, whilst the proposal would not meet an identified local need for smaller and affordable properties, nonetheless the proposed 2 dwellings would make a small contribution to local housing supply and would advance the Government's objective outlined within the Framework to boost the supply of homes. The appellant also indicates that the site can be

built out quickly. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation. These would include support for local services, and expenditure contributing to the local economy.

41. The appeal proposal would incorporate extensive planting including a wildlife meadow and orchards and the biodiversity enhancement measures would result in Biodiversity Net Gain (BNG). The drainage strategy indicates that the proposal would allow attenuation and degrade pollutants, improving the quality of surface water discharged to ground and would provide a betterment to surface water drainage by reducing the volume and the rate at which water is discharged from the site. The proposal includes the provision of EV chargers which would encourage the use of electric vehicles and incorporates zero carbon energy sources. These matters weigh in favour of the proposal.
42. The appeal site is not located in the Green Belt. Comments regarding the precedent for future applications are noted. However, differing circumstances, and the potential for cumulative harm, would represent matters to be considered were other proposals to be advanced elsewhere in the future.
43. Drawing on the above, the proposal would conflict with the settlement strategy. Conflict therefore arises with CS Core Policies 1, 2 and 18. The lack of harm in relation to the listed buildings and NDHAs 13-16 Brook Street, would be, by definition, neutral within the balance. However, I have found that the proposal would result in an enhancement to the scenic beauty of the NL, to which the Framework ascribes great weight. This, in addition to the other benefits arising from the proposal, collectively weigh in favour of the proposal and outweigh the identified conflict with the settlement strategy. Therefore, in this case this indicates a decision otherwise than in accordance with the development plan.

Conditions

44. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. Where appropriate, I have amended the list of suggested conditions for clarity and to ensure compliance with national policy and guidance.
45. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. In the interest of the character and appearance of the area and biodiversity, conditions are necessary to control the external materials of the development, proposed landscaping, the protection of trees and compliance with the submitted Preliminary Ecological Appraisal. In the interests of residential amenity, there is a need for conditions to require the submission and approval of a construction and environment management plan and a condition restricting the hours of working.
46. I have imposed conditions requiring the submission of a surface water drainage scheme, an investigation into contamination and a Landscape/Biodiversity Enhancement and Management Plan prior to the commencement of development. These conditions are required in order to ensure adequate drainage and biodiversity enhancements and to ensure that any contamination is adequately identified and mitigated. In the interests of maintaining the scenic qualities of the NL I have attached a condition requiring the approval of external lighting.

47. The Council has suggested a condition removing permitted development rights. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG also advises that conditions restricting the future exercise of permitted development rights may not pass the test of reasonableness or necessity. The Council have provided limited explanation of the reason for this suggested condition, save to protect the amenity of the NL and the setting of nearby heritage assets. Given my conclusion above regarding the absence of harm to the scenic beauty of the NL and the setting of nearby heritage assets I do not find a condition restricting permitted development rights to be necessary and I do not have sufficient justification before me for its imposition.

Conclusion

48. For the above reasons, the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, Drawing No. 50588-P1-01 B
Site Layout Plan, Drawing No. 50588-P1-02 B
H1 Elevations, Drawing No. 50588-P3-01-H1 A
H1 Elevations, Drawing No. 50588-P3-02-H1 A
H1 Ground Floor Plan, Drawing No. 50588-P2-01-H1
H1 First Floor Plan, Drawing No. 50588-P2-02-H1
H1 Roof Plan, Drawing No. 50588-P2-03-H1
H2 Elevations, Drawing No. 50588-P3-01-H3 A
H2 Floor Plans, Drawing No. 50588-P2-01-H2
H2 Roof Plan, Drawing No. 50588-P2-02-H2.
Drawing 8190469/6101 Rev B (included within the Transport Statement dated 9 February 2023)
- 3.) The development hereby approved shall be carried out in accordance with the Tree Survey Report, Impact Appraisal and Tree Protection Details dated January 2023.
- 4.) The development shall not be implemented other than in accordance with the recommendations in the Update Preliminary Ecological Appraisal Version: 02 dated February 2023. The development shall not be first occupied until all recommendations therein have been implemented in full.
- 5.) The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

The approved plan shall be adhered to throughout the construction period.

- 6.) No development shall commence (excluding site preparation and demolition) until a scheme for the discharge of surface water including associated detailed design, management, and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. a timetable for its implementation, and
 - ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development hereby approved shall not be first occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved Drainage Strategy. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

- 7.) No development (excluding site preparation and demolition) shall commence on site until a Landscape/Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall deliver the biodiversity net gain measures as set out in Section 5 of the Preliminary Ecological Appraisal by Pro Vision (dated February 2023) and shall include the following as a minimum:
- a.) Full details of the habitats/conservation features to be retained/created/enhanced;
 - b.) The methodology to be used to create the habitat/landscape areas;
 - c.) Details of the long-term management proposed for the establishment and maintenance of the habitat/landscaped areas;
 - d.) Details of the number, design and locations of bat roosts and nesting opportunities for birds and reptile hibernacula; and
 - e.) Full details of the management and maintenance of proposed landscaping areas.

The development shall be carried out in accordance with the approved Landscape/Biodiversity Enhancement and Management Plan and thereafter

maintained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

8.) No development shall take place until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

a) a survey of the extent, scale and nature of contamination;

b) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, pets and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments

The development shall be implemented in full in accordance with the approved details.

9.) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development is occupied.

10.) No development shall take place above foundation level until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- a.) Hard surfacing materials;
- b.) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees;
- c.) Boundary treatments; and
- d.) Proposed 'gateway feature'

The hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

- 11.) No development shall take place above foundation level until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and been approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the details thus approved, which shall thereafter be retained.
- 12.) The development hereby permitted shall not be first occupied until full details of all external lighting to be installed within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved external lighting details and no new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.
- 13.) No construction, demolition or associated deliveries shall take place outside the hours of 0800 to 1800 hrs Mondays to Fridays, 0800 to 1300 hrs Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.