



Appeal Decision

Site visit made on 10 January 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/X0415/W/23/3323096

17 Lovel Road, Chalfont St Peter, Buckinghamshire SL9 9NW

- 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 Oliver and Daniel Randell against the decision of Buckinghamshire Council.
 - The application Ref is PL/22/1363/FA.
 - The development proposed is demolition of existing bungalow and erection of 9 houses, 3 carports and additional parking with combined new access from Lovel Road.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and erection of 9 houses, 3 car ports and additional parking with combined new access from Lovel Road at 17 Lovel Road, Chalfont St Peter, Buckinghamshire SL9 9NW in accordance with the terms of the application, Ref PL/22/1363/FA, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the application process, the proposal changed from providing 2 garage blocks and 1 car port to 3 carports and additional parking. However, the description of the development has not been changed to reflect this. It is important that the description of the development accurately reflects the proposal considered by the local planning authority and subject to this appeal. I have therefore referred to 3 car ports and additional parking in the descriptions above rather than 2 garage blocks, as this more accurately reflects the proposal. I have assessed the proposal on this basis.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupants of No. 25 Lovel Road, with particular regard to outlook;
 - flood risk; and

- the integrity of the Burnham Beeches Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The appeal site is located between Lovel Road and Lansdown Road and the proposal includes dwellings fronting both roads. The Council consider the proposed terrace of 3 dwellings fronting Lansdown Road, although 3-storeys and taller than the adjacent properties, to be acceptable in terms of its effect on the character and appearance of the area. From the evidence before me and my observations on site, I am of the same view.
6. The proposal also includes 2 terraces of 3 dwellings on Lovel Road. The section of Lovel Road where these would be located comprises mostly detached and semi-detached two storey houses, some with rooms in the roof, which differ in their size, form, and features. The houses are set back from the road on moderate to large plots. The gaps between them vary with some set very close together and others further apart. The ground levels and positioning of the houses follow the topography of the area, with the houses on the west side of the road set above those on the east side of the road. Front boundary treatments typically consist of hedges, which adds greenery to the street scene and there are some glimpsed views between the houses on the east side of the road of the wider landscape surrounding the village. I note that these types of views are identified in the Chalfont St Peter Neighbourhood Plan 2013-2018 (NP) as a positive feature of the area that should be protected. Overall, the area has a spacious and green character.
7. There are no other terraced houses along Lovel Road. However, the proposed terrace blocks would consist of 3 relatively narrow dwellings and would therefore not be noticeably wider than some of the nearby semi-detached pairs, which have relatively wide front elevations. They would also create a similar amount of enclosure in the street scene as some of the semi-detached pairs that are set close together. Taking this into account, together with the variety in the form of the houses along this section of Lovel Road and that there are terraced dwellings adjacent to the site on Lansdown Road, although the proposed terrace would introduce a new form of housing to Lovel Road, it would not appear out of keeping with the character and appearance of the street scene or surrounding area.
8. Notwithstanding this, the proposed dwellings would be taller than most of the houses along Lovel Road and appreciably taller than their immediate neighbours, which would conflict with the guidance in the Chiltern and South Bucks Townscape Study (2017) that developments in the area should relate closely to the adjacent development in terms of their height, among other things. This would also restrict existing views over the appeal site of the wider landscape surrounding the village, albeit glimpsed views would still be possible between the proposed terrace blocks.
9. The proposed dwellings would have a combination of roof profiles, including a clipped gable, with dormer windows positioned along the eaves extending from the first floor into the roof space. This would create an expanse of roof space. I recognise that the heights of the houses along Lovel Road fluctuate and there are cases where there are not insignificant differences in height between neighbouring houses. Also, that there is a mixture of roof profiles along Lovel

Road, including houses that have extended into the roof space, which creates great variety in the street scene. However, while the height of the proposed dwellings and their large roof form would not necessarily be an incongruous feature in the street scene, together they would make the proposed dwellings appear dominant and imposing. Given this, and the loss of some of the existing views across the valley, the proposal would result in some harm to the character and appearance of the area.

10. I saw on my visit that the appeal site in part provides a vista and termination to Eleanor Road, a location not inappropriate for distinctive buildings. This would moderate the additional height, and roof expanse of the proposed dwellings to a degree and would limit the overall level of harm to the character and appearance of the area.
11. Although the proposed dwellings would be positioned in front of the neighbouring property, No. 15 Lovel Road, their front elevations would align with the front elevation of No. 25 Lovel Road. Therefore, while their positioning would not help reduce their presence in the street scene, it would not be out of keeping.
12. Interested parties have raised concerns that other features of the proposal, such as the dormer windows, would be out of character with the surrounding area and that the proposal overall would be a cramped form of development. Nonetheless, the houses along Lovel Road have a variety of features, including dormer windows, so these would not appear out of keeping. All the proposed dwellings front either Lovel Road or Lansdown Road, reflecting the existing pattern of development. The rear parking area, including the carports, while not a common feature of the area, would not be readily visible from the street scene. Thus, any effect of these features, or the more modest sized rear gardens, on the character and appearance of the area would be limited. The proposed dwellings would be set back from the highway a similar distance to other houses along Lovel Road and would have frontage planting. I am therefore not of the view that the proposal would appear cramped or that features of it, other than those I have identified above, would harm the spacious and green character of the area.
13. For the reasons above, by virtue of their height and roof form, the proposed dwellings on Lovel Road would result in harm to the character and appearance of the area, albeit, for the reasons above, this harm would be limited. The proposal would therefore conflict with Policy GC1 of the Chiltern District Local Plan (adopted 1997, including alterations adopted 2001 and consolidated in 2007 and 2011) (Local Plan), Policy CS20 of the Core Strategy for Chiltern District (2011) (Core Strategy), and Policy H6 of the NP. These policies seek to ensure that development is designed to a high standard, which reflects and respects the character of the surrounding area and those positive features which contribute to local distinctiveness. The proposal would also be contrary to the similar provisions in section 12 of the Framework.

Living conditions

14. I understand that the proposed dwelling on Plot 9 would be set 1 metre from the boundary with No. 25 Lovel Road and would extend 5 metres beyond the rear wall of the adjacent garage that serves this property. Nonetheless, the proposed dwelling would not extend past the house at No.25 Lovel Road to any significant degree.

15. The house at No. 25 Lovel Road is positioned quite a distance from the shared boundary. Therefore, while the proposed dwelling would be noticeable from the section of garden that would sit between it and the house at No. 25 Lovel Road and may create some additional enclosure to this part of the garden, it would not be overbearing on or visually intrusive to the garden area as a whole. No. 25 Lovel Road has a deep and wide rear garden. I saw on site that there are trees and plants within the garden that would provide a pleasant outlook. The proposed dwelling would affect only a very small part of this outlook and it is likely that, when using the garden area close to the house, people would look down the garden rather than across it towards the proposed dwelling.
16. Accordingly, the proposal would not harm the living conditions of the occupants of No. 25 Lovel Road. It would accord with Policy G3 of the Local Plan, which seeks to protect the amenities enjoyed by the occupants of existing adjoining and neighbouring properties.

Flooding

17. The appeal site is not located in an area at high risk of flooding. Rather it lies in an area with a low risk of surface water flooding and where flooding from groundwater is unlikely.
18. I note that the Local Lead Flood Authority (LLFA) had concerns regarding the information on drainage submitted with the application. It required confirmation from the appellant that the soakaways could be relocated to ensure that each soakaway was not beneath private land, had a 5-metre offset from buildings, and that this offset was completely within the red line boundary of the appeal site. Also, that an updated drainage layout was provided to address its concerns.
19. As part of the appeal, the appellant has submitted an amended surface water drainage strategy¹ that seeks to address the LLFA's original concerns. The LLFA have reviewed the amended document and although it still has some concerns regarding the indicative infiltration rates for the soakaways and the maintenance arrangements, I note that these concerns were not initially considered as needing to be addressed at this stage in the planning process.
20. There is no substantive evidence before me to suggest it would not be possible to design an acceptable sustainable urban drainage system for the proposal. In areas of low flood risk, it is not unusual to impose a planning condition requiring the details of such a system and I note that the LLFA has suggested a condition that could be imposed. Overall, I am satisfied that, in this case, there is sufficient information before me to demonstrate that the proposal could adequately manage surface water subject to relevant conditions.
21. Accordingly, the proposal would not result in an increase in flood risk on site or elsewhere. It would therefore accord with Policy GC10 of the Local Plan and Policy CS4 of the Core Strategy, which seek to ensure that development would not increase the risk of flooding. It would also accord with the similar provisions in section 14 of the Framework.

¹ Flood Risk Statement prepared by JNP Group Consulting Engineers dated April 2023.

Burnham Beeches SAC

22. The appeal site lies within the 5.6km Zone of Influence of the Burnham Beeches SAC (BBSAC). The BBSAC is designated due to the importance of its habitats which qualify under Annex I of the European Habitats Directive. These habitats include Atlantic acidophilus beech forest with Ilex and Taxus in the shrub layer; and Beech forests on acid soils. The ancient, pollarded beech and oak trees are the main features of importance because of the quantity and quality of the decaying wood habitat found in them and the associated species.
23. The BBSAC, as an attractive, accessible, and open area of semi-natural habitat, is a popular destination for recreation and provides an important function as a green space. However, public access and disturbance, particularly with a growing number of visitors, can have an impact on the nature conservation interest of the site through, among other things, contamination due to dog fouling and litter, increased fire risk, trampling and wear, harvesting and difficulties managing the site.
24. The Council have a Strategic Access Management and Monitoring Strategy (2020) (SAMMS) to address public access to and disturbance of the BBSAC. The evidence base supporting the SAMMS found that an increase in the number of residential properties within 5.6km of the BBSAC would require mitigation measures to avoid adverse effects on the integrity of the BBSAC from the cumulative impacts of development.
25. Given this, likely significant effects on the BBSAC as a result of the proposal cannot be ruled out in the absence of mitigation. It is therefore necessary for me, as competent authority under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), to conduct an Appropriate Assessment in relation to the significant effects of the proposal on the integrity of the BBSAC.
26. The SAMMS is robust and capable of mitigating the likely significant effects of the proposal provided a contribution is made towards it and the legal fees of the Council. This approach has been agreed with Natural England. The required contributions are £2,023.87 to SAMMS for each net home, a £541.02 monitoring fee and legal costs to be determined on a case-by-case basis.
27. A signed Unilateral Undertaking has been submitted by the appellant and accepted by the Council. This would provide a financial contribution of £16,190.96 towards SAMMS, the equivalent of 8 net homes, a £545 monitoring fee and reasonable legal costs and disbursements incurred in connection with the deed.
28. Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and thirdly they must be fairly and reasonably related in scale and kind to the development.
29. I am satisfied that the financial contributions are necessary to make the proposed development acceptable in planning terms by mitigating the impact of public access and disturbance to the BBSAC. Given the proposal would provide 8 additional homes within 5.6km of the BBSAC, the contribution is directly related to the appeal scheme. In addition, as it relates to a standard

charge on all residential development based on the number of net homes, it is fairly and reasonably related in scale and kind to the development. For these reasons, the planning obligation would meet the requirements of the Framework and the CIL Regulations.

30. For the reasons above, I am satisfied that with the proposed mitigation measures in place, secured through the Unilateral Undertaking, the proposal would not have an adverse effect on the integrity of the BBSAC. It would accord with Policy CS24 of the Core Strategy and the SAMMS, which seek to protect the integrity of the BBSAC. It would also accord with the provisions of section 15 of the Framework.

Other Matters

31. In terms of benefits, the proposal would provide an additional 8 homes within walking distance of local services and facilities through the redevelopment of a vacant infill site. This would contribute to the Council's housing supply. The Council cannot demonstrate a five-year supply of deliverable sites. The Chiltern and South Bucks Five Year Housing Land Supply Position Statement (2022) indicates a supply of just 2.1 years, which the Council does not dispute. I note that with regards to a previous appeal², the Inspector considered this a chronic shortfall, and I am of the same view. The provision of any additional housing would therefore carry considerable weight. The 8 homes in this case would make a moderate and meaningful contribution to the housing supply, which, given the considerable shortfall in supply, should be afforded significant weight.
32. I have taken careful account of the representations of those nearby, including in respect of the effect of the proposal on parking provision, highway safety, biodiversity, and the living conditions of occupants of neighbouring properties.
33. I appreciate that there may be parking stress on nearby roads, particularly Lansdown Road, and during drop-off and pick-up times for the nearby schools. However, the Council in its officer report confirms that the number of parking spaces proposed would be in accordance with the Buckinghamshire Countywide Parking Guidance and conveniently located for the properties they serve. From the evidence before me and my observations on site, I am of the same view. The Highway Authority has confirmed that the proposed access and impact on the highway network would be acceptable and there is nothing before me to lead me to another conclusion. I am therefore satisfied that unacceptable effects would not result in this regard. Construction would take place for a limited period and construction traffic, including site personnel, operatives and visitors could be managed by imposing a condition requiring a Construction Traffic Management Plan.
34. There is no substantive evidence before me to demonstrate that the proposal would result in unacceptable effects on biodiversity. The proposal is supported by an ecological survey letter, a Technical Note: Biodiversity Net Gain and Arboricultural and Planning Integration Report and Tree Protection Plan. Adherence with these documents can be secured by condition.
35. With regards to the effect of the proposal on the living conditions of occupants of neighbouring properties, the proposed dwelling on plot 4 would not extend beyond the rear elevation of No. 15 Lovel Road and would have a similar

² Appeal Reference: APP/X0415/W/22/3303868

relationship with No. 15 Lovel Road as many of the surrounding houses. Also, given the positioning of the proposed dwellings in relation to the neighbouring properties, any overshadowing of the neighbouring houses and their gardens would be limited. I am therefore satisfied that unacceptable effects would not result in these regards. While there would likely be an increase in noise and disturbance associated with the proposal, particularly with regards to the rear parking area, given the relatively small-scale of the development, any increase is likely to be small and not to a degree that it would result in any appreciable harm to the living conditions of the occupants of neighbouring houses.

Conditions

36. The Council have suggested that 22 conditions be imposed on any grant of permission, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims. The numbers given in brackets (x) refer to the conditions being imposed, with the order being prescribed by the time when the condition needs to be complied with.
37. In addition to the statutory time limit condition (1), a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them (2) is required in the interests of certainty. For the same reason, a condition requiring details of the site, finished floor, and ridge levels is also necessary (4). This condition must be pre-commencement as the finished levels could affect the fundamental design of the proposal. This condition has been agreed by the appellant.
38. To protect retained trees during the development works, a condition is necessary to ensure that the development is carried out in accordance with the Arboricultural Planning and Integration Report (3).
39. In the interests of highway safety, a condition is necessary to ensure the preparation of and accordance with a Construction Traffic Management Plan (5). This condition must be pre-commencement so that it covers the whole development process. This condition has been agreed by the appellant. For the same reason it is necessary to also impose conditions requiring the provision of the vehicular access, including the visibility zones (14), and parking and turning areas (15) prior to occupation of the development and their future maintenance. Also, in the interests of highway safety, a condition is necessary to ensure amended rear pedestrian access schemes for plots 6 and 7 that would not be taken from the 4.5 metre section of the proposed access road. As this would involve repositioning the gates in the means of enclosure, I have added this requirement to the condition requiring details of the means of enclosure (16) discussed below.
40. I have not imposed a condition requiring the new vehicular access to be constructed before any other part of the development, as there is no substantive evidence before me to justify this. Two vehicular access points already serve the site, one from Lovel Road and the other from Lansdown Road and I am satisfied that the management of construction traffic, including site personnel, operatives and visitors will be covered by the Construction Traffic Management Plan. The condition is therefore not necessary or reasonable. I also note that it was not requested by the Highways Authority. Given this, I have also not imposed a condition requiring the stopping up of all other

existing access points within one month of the new access being brought into use. The existing vehicular access point on Lansdown Road would be stopped up as part of the proposed development and there is no substantive evidence before me to justify stopping it up any earlier in the construction process. As explained above, the management of construction traffic will be covered by the Construction Traffic Management Plan. The condition is therefore not necessary or reasonable.

41. To safeguard protected species and habitats and enhance biodiversity, it is necessary to impose conditions requiring preparation of and accordance with a Construction Environmental Management Plan (6) and scheme of ecological enhancement (7). These conditions must be pre-commencement as the required mitigation measures span the whole development process. These conditions have been agreed by the appellant.
42. To safeguard the public, the environment, and surface and ground water, a condition is necessary to require preparation of and accordance with a remediation scheme and, following completion of the approved scheme, the submission of a verification report (8, 9 & 10). These conditions must be pre-commencement as the remediation scheme would span the whole development process. These conditions have been agreed by the appellant.
43. To be certain that the development does not increase flood risk on or off the site, a condition is required to ensure that the development includes an adequate surface water drainage scheme. This condition must be pre-commencement as the drainage scheme could affect the fundamental design of the proposal. This condition has been agreed by the appellant (11).
44. To protect the character and appearance of the area, it is necessary to impose a condition requiring details of the external surfaces of the development in terms of the buildings and hard landscaping (12). As the details of the materials used for the hard landscaping must be agreed with the local planning authority, it is not necessary to separately require these to be permeable. Also, to protect the character and appearance of the area, it is necessary to impose a condition requiring the details of all means of enclosure (16) and the preparation of and accordance with a soft landscaping scheme (13). For the same reason, as well as to ensure adequate living conditions for future residents, a condition requiring the details of the proposed bin storage (17) and adherence with those details is also necessary.
45. In the interests of mitigating and adapting to climate change, it is necessary to impose a condition to ensure that the development meets the Building Regulations optional water efficiency requirement (18).
46. To protect the privacy of occupants of neighbouring properties, as well as future residents, a condition setting out that the first-floor flank windows to the dwellings on plots 1, 6, 7 and 9 must be obscure and non-opening below 1.7 metres and the retention of these requirements is required (19). I have not imposed a condition removing permitted development rights relating to the insertion of windows. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, any additional windows in the flank elevations of the proposed dwellings would be required to be obscure-glazed and non-opening below 1.7 metres by condition A.3(b) of Schedule 2, Part 1, Class A of the General Permitted Development Order. Given

this, there is no clear justification to remove these permitted development rights. Thus, the condition would not be necessary or reasonable.

Planning Balance

47. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Therefore, in this case, permission should be withheld only where adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. In that context I have reasoned that the proposal would be acceptable in terms of its effect on living conditions, flood risk and the integrity of the BBSAC.
48. The sole matter on which I have identified harm would result is in respect to its effect on the character and appearance of the area. Policy GC1 of the Local Plan, Policy CS20 of the Core Strategy and Policy H6 of the NP are broadly consistent with the Framework's aim to create high quality, beautiful and sustainable buildings and places by, among other things, being sympathetic to local character and history, including the surrounding built environment. Nevertheless, for the reasons given above, in this case, the weight afforded to that harm is limited.
49. The proposal would deliver much needed housing in an accessible location. It would make efficient use of a vacant site and would support the objective of the Framework in boosting the supply of homes in an area where there is a chronic shortfall in the current supply of deliverable housing sites. There would also be economic and social benefits resulting from spending associated with the construction and occupation of the homes.
50. Accordingly, when the proposal is assessed against the policies in the Framework taken as a whole, the limited adverse impacts of the proposal would not significantly and demonstrably outweigh its significant benefits. Accordingly, other material considerations justify allowing the appeal.

Conclusion

51. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the attached schedule.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21 LLLR SL02 Rev A; 21 LLLR EP02 Rev A; 21 LLLR ESP02; 21 LLLR C1-3 Rev A; 21 LLLR C4-8 Rev A; 21 LLLR P1-3 PE01 Rev A; 21 LLLR P1-3 PP01 Rev A; 21 LLLR P4-6 PE02 Rev A; 21 LLLR P4-6 PP02 Rev A; 21 LLLR P7-9 PE03 Rev A; 21 LLLR P7-9 PP03 Rev A; 21 LLLR SP04 Rev C; 21 LLLR SS01 Rev B.
- 3) The development hereby permitted shall be carried out in accordance with the tree and hedge protection measures set out in the Arboricultural Planning and Integration Report prepared by GHA Trees Arboricultural Consultancy dated 7 March 2022, Ref: GHA/DS/160020:22; and the Tree Protection Plan, drawing title: Tree Protection Plan Rev B, dated March 2022.
- 4) No development shall take place until details of existing and proposed site levels and finished floor levels of the buildings and carports to be erected have been submitted to and approved in writing by the Local Planning Authority. The details shall include cross sections and the levels shall be shown in relation to a fixed datum point. The development shall thereafter be constructed in accordance with the approved details.
- 5) No development or site clearance works shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The CTMP shall include details of:
 - the management of construction traffic, including vehicle types, frequency of visits, and expected daily time frames;
 - the use of a banksman;
 - parking for vehicles of site personnel, operatives and visitors; and
 - arrangements for on-site loading and unloading of plant and materials;

The approved CTMP shall be adhered to throughout the development process.

- 6) No development or site clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:
 - a risk assessment of the potentially damaging construction activities;
 - identification of biodiversity protection zones;
 - practical measures including both physical measures and sensitive working practices to avoid and reduce impacts during construction;
 - the location and timing of sensitive works to avoid harm to biodiversity features;

- the time during construction when specialist ecologists need to be present on site to oversee works;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- the responsible persons and lines of communication; and
- details of protection fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the development process.

- 7) No development or site clearance works shall take place until a scheme of ecological enhancement based on the conclusions and recommendations set out in the letter from AA Environmental Limited dated 1 March 2022, reference: 213424/JDT has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that a biodiversity net gain will be achieved by the development. Prior to first occupation of the development hereby permitted the scheme shall be implemented in accordance with the approved details and thereafter maintained.
- 8) No development or site clearance works shall take place until a detailed remediation scheme based on the results of the Combined Phase I and II Geo-environmental Report prepared by JNP Group Consulting Engineers dated January 2022, reference: BR31004-JNP-XX-XX-RP-G-1001 P03 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 verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the preferred remediation option(s) are complete and identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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 in accordance with the approved details.
- 9) Following completion of the approved remediation scheme and prior to first occupation of the development hereby permitted a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall demonstrate the effectiveness of the remediation carried out and shall include any necessary monitoring and maintenance programme and copies of waste notes relating to exported and imported soil. The monitoring and maintenance programme shall be implemented in accordance with the approved details.
- 10) 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 an investigation and risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority before the development is resumed or continued on the part of the site affected.

11) No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- infiltration rate testing in TP01 and TP02 in accordance with BRE 365 (or an equivalent guidance if replaced);
- in the event that infiltration is unviable, an alternative means of surface water disposal based on the drainage hierarchy outlined in national guidance;
- calculations to demonstrate that the proposed drainage system can contain up to the 1 in 30 storm event without flooding. Any onsite flooding between the 1 in 30 and the 1 in 100 plus climate change storm event should be safely contained on site;
- calculations to demonstrate that the Half Drain Time for the 1 in 30-year storm is less than 24 hours;
- a sensitivity test to demonstrate that the system has capacity to accommodate the 1 in 100 year +40% climate change plus a subsequent 1 in 10-year storm;
- a drainage layout detailing the connectivity between the dwelling(s) and the drainage component(s) showing pipe numbers, gradients and sizes, and the storage volume of all SuDS component(s);
- a water quality assessment demonstrating that the total pollution mitigation index equals or exceeds the pollution hazard index; priority should be given to above ground SuDS components;
- construction details of all SuDS and drainage components;
- details of how and when the full drainage system will be maintained, including details of who will be responsible for the maintenance; and
- details of proposed overland flood flow routes in the event of system exceedance or failure with demonstration of flow direction.

Prior to first occupation of the development hereby permitted the surface water drainage scheme shall be implemented and thereafter maintained in accordance with the approved details.

12) Prior to the commencement of works above slab level, details of the materials to be used in the construction of the external surfaces of the buildings and hard landscaping hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 13) Prior to the commencement of works above slab level details of soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- trees to be retained including their species, spread and maturity;
 - a planting plan;
 - written specifications including cultivation and other operations associated with plant and grass establishment;
 - a schedule of plants including species, plant sizes and proposed numbers/densities; and
 - an implementation programme and scheme of management including a schedule of landscape maintenance for a minimum period of five years.

The soft landscaping works shall be carried out in accordance with the approved details and agreed implementation programme. The completed scheme shall be managed and maintained in accordance with the approved scheme of management.

If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement of them) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

- 14) Prior to first occupation of the development hereby permitted, the proposed vehicular access shall have been constructed and provided with the required visibility zones in accordance with approved plan drawing number: 21 LLLR SP04 Rev C. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high.
- 15) Prior to first occupation of the development hereby permitted the proposed vehicle parking spaces and turning areas to allow vehicles to enter and leave the site in a forward gear shall have been constructed in accordance with the approved plans. Thereafter the vehicle parking spaces and turning areas shall be retained and maintained, available at all times for their designated purposes.
- 16) Prior to first occupation of the development hereby permitted all means of enclosure including those between individual gardens and on the boundaries of the site shall have been erected or constructed in accordance with details previously submitted to and approved by the Local Planning Authority. The details shall include alternative rear pedestrian access points for the dwellings on plots 6 and 7. The alternative pedestrian access points must not be taken from the 4.5 metre section of the access road. Thereafter the means of enclosure shall be retained and maintained in accordance with the approved details. (9)
- 17) Prior to first occupation of the development hereby permitted waste and recycling bin storage shall have been implemented in accordance with details previously submitted to and approved by the Local Planning

Authority. Thereafter the bin storage shall be retained and maintained in accordance with the approved details, available at all times for the storage of waste and recycling.

- 18) Prior to first occupation of the development hereby permitted, measures shall be incorporated within the development to ensure that each dwelling achieves a water efficiency standard of 110 litres (or less) per person per day.
- 19) Prior to first occupation of the development hereby permitted the first-floor flank windows to the dwellings on plots 1, 6, 7 and 9 as shown on approved plan drawing number: 21 LLLR SP04 Rev C shall be fitted with obscure glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. Thereafter these windows shall be permanently retained in this condition.