



Appeal Decision

Site visit made on 17 June 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/U1105/W/24/3357250

Land at Lower Broad Oak Road, West Hill

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by David Pring against the decision of East Devon District Council.
 - The application Ref is 23/2612/OUT.
 - The development proposed is outline planning application for the construction of 5 no. dwellings, with all matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning application for the construction of 5 no. dwellings, with all matters reserved at Land at Lower Broad Oak Road, West Hill, in accordance with the terms of the application, Ref 23/2612/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline form with all matters reserved for future consideration.
3. A revised indicative plan was submitted during the course of processing the appeal application which the Council did not accept or consult upon (Ref PL-100 Rev A). The same plan has been submitted for consideration with the appeal and shows retention of all trees on site with alternative access arrangements. Where amendments are proposed, regard should be had to the principles established in the *Holborn Studios*¹ - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details minor amendments in the context of an outline application with all matters reserved, and the nature of concerns of those who would have been consulted are clear from responses in the evidence, I do not consider that their interests would be prejudiced if I take the amended plan into account given its role as an indicative plan. I shall therefore determine the appeal on the basis of the relevant plans referred to on the decision notice, as well as the revised plan submitted with the appeal.
4. A signed unilateral undertaking (UU) was submitted to the Council on the 13 December 2023 which seeks to provide mitigation payments towards the East Devon Pebblebed Heath Special Area of Conservation (SAC). It was finally executed on the 27 June 2025. I return to this matter below.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

Main Issues

5. The main issues in the appeal are:

- whether the location of the development accords with the development plan in terms of accessibility to facilities and reducing the need to travel;
- the effects of the proposal on species and habitats; and
- the effects of the proposal on the character and appearance of the area, including on a locally valued view.

Reasons

Context

6. The appeal site comprises two small, adjoining fields extending to around 1.5 hectares which are used for grazing for horses. The current access is from Lower Broad Oak Road to the west which is the high point of the site, with the slope down towards the east. The fields are surrounded by and divided by hedges with substantial trees on all but the southernmost boundary. The trees are protected by a confirmed Tree Preservation Order (TPO). Existing dwellings and their respective accesses surround the site to the north, south and east. Dwellings also extend the length of the site's frontage on the opposite side of Lower Broad Oak Road.
7. The site is situated in a residential area to the south-east of the village of West Hill. West Hill has a shop and post office, primary school and village hall. It is locally known as the 'Woodland Village' and has a verdant character with a predominance of detached dwellings in spacious plots. The patchy presence of footways, lengthy walking routes from one end of the village to the other and the area's variable topography are features relevant to the village as described in the *East Devon Villages Plan* (adopted 2018) (EDVP).

Location of development

8. The development plan for the area comprises the *East Devon Local Plan 2013-2031* (adopted 2016) (Local Plan), *EDVP and Ottery St Mary and West Hill Neighbourhood Plan 2017 – 2031* (made 2018) (Neighbourhood Plan). Strategy 1 of the Local Plan sets the target of a minimum of 17,100 new homes over the plan period and sets the distribution strategy of focussing most development in the seven main towns of East Devon to serve their own needs and the needs of surrounding rural areas and setting out elsewhere how development in smaller towns, villages and rural areas will be geared to meeting local needs.
9. Strategy 27 sets out a list of villages of varying size and character which are considered to offer a range of accessible services and facilities to meet many of the everyday needs of local residents, including reasonable public transport. The Strategy text also goes on to refer to the '*Built-up Area Boundary*' (BUAB) that each village will have defined in the Villages Plan, though it is clarified that none will have any specific allocations. The Strategy also advocates communities producing Neighbourhood Plans or promoting community led development if it wishes to see development beyond that in the Local Plan.
10. West Hill is included within the list of villages to have a BUAB. The site is outside of the BUAB, albeit by a relatively short extent of Lower Broad Oak Road.

11. Strategy 5B and Policy TC2 of the Local Plan seek for development to be located so as to be accessible, efficient and safe by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.
12. Strategy 7 of the Local Plan indicates that all areas outside of BUABs is the countryside and that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such and where it would not harm the respective area's distinctive landscape, amenity and environmental qualities.
13. The Neighbourhood Plan uses the same BUAB as that of the Local Plan and its Policy NP1 prohibits development in the countryside except in exceptional circumstances. The Neighbourhood Plan only allocates a small scheme in Alfington, opting not to do so in Ottery St Mary, West Hill or Tipton St John on the basis of a large number of consented dwellings across the other villages.
14. Policy NP3 of the Neighbourhood Plan permits development for one or more dwellings on infill, backland and residential garden sites where in character with the area in terms of scale, mass, density etc; where appropriate provision is made for parking and garden space; and, where boundary treatments reflect those in the surroundings. The Policy indicates that these forms of development will be resisted where they would result in the site being overdeveloped; where undue harm would occur to existing neighbouring occupiers; where they would reduce on street parking for existing occupiers, remove valuable green spaces or trees; or where open frontages are proposed in an area of predominantly enclosed frontages.
15. The proposal does not constitute backland development and would not use a residential garden site. The term infill development is not strictly defined in the Neighbourhood Plan and the text of the Policy does not prescribe an upper limit of dwellings or size of site which would be acceptable as an infill scheme. However, the preamble text clarifies that the Policy is to be applied to developments within the BUABs, with developments in the countryside to be considered under Strategy 7 of the Local Plan.
16. In view of its location outside of the BUAB and without the support of any other specific Neighbourhood Plan or Local Plan policies or allocations, the development conflicts with Strategies 1, 5B, 7, 27 and Policy TC2 of the Local Plan and Policy NP1 of the Neighbourhood Plan.

Species and habitats

17. The appeal was submitted with an Ecological Impact Assessment² (EclA) which details the outcome of a walkover survey; bat activity static, transect and night-time bat walkover surveys³; dormouse presence / likely absence tube survey⁴; and reptile presence / likely absence survey⁵. The EclA survey was undertaken at a time when the indicative plans showed a minor loss in the extent of hedgebank to create a widened access. During the course of consideration of the appeal application, a revised indicative plan was submitted showing that the development

² Providence Ecological, December 2023

³ Undertaken between June and November 2023

⁴ Undertaken between June and November 2023

⁵ Undertaken between June and September 2023

could proceed without any loss of the hedgebank which can minimise any related ecological effects.

18. The site was found to have moderate suitability to support foraging and commuting bats and the survey effort confirms the presence of at least 10 bat species that use the trees on the hedgerows for foraging purposes. Though no surveys were undertaken in the Spring season, and the Autumn survey was slightly beyond the optimal window, given the level and nature of use identified, I consider that sufficient survey effort has been undertaken to understand its value to bat species. It would be possible to retain all trees and hedgerows on site, with minimal widening of the existing gateway onto Lower Broad Oak Road being a possible means of achieving access to the northern portion of the site as part of a reserved matters scheme. Such a solution, with appropriate attention to lighting detail, would preserve the foraging routes and maintain the site's value for bat species.
19. The EclA recommends a minimum 2m buffer zone between any dwellings and features used by bats to minimise light spill (not exceeding 0.5 lux). However, the guidance⁶ to which the Council refers in relation to dark corridors for bats requires 5m of open grassy corridor maintained next to each side of a natural linear feature provided in the public realm, rather than in private curtilage. Given the outline nature of the application, this is an aspect that could form the requirement of a condition as part of any reserved matters application. An additional hedgerow feature could also be created on the southern boundary as an enhancement.
20. In respect of dormice, the measures to ensure their protection recommended within the EclA are considered reasonable but further improved through separating woody areas from residential gardens. Given the spaciousness of the site, the outline nature of the scheme and indicative nature of the plans in this case, such details could be secured by way of planning condition to inform a reserved matters scheme.
21. A high number of slow worm were detected throughout the site. The EclA recommends that suitable habitat could be retained on site to accommodate them, but the Council question this approach given the high numbers and range of age and genders of slow worm in the context of the amount of grassland that would be lost to the development.
22. The outline application does not define precisely how much grassland will be taken up by areas of domestic garden or moved to sit the dwellings down onto the site. As such, whether reptiles would be adequately provided for or whether translocation would be the optimal solution is as yet unclear. This aspect could be resolved through the reserved matters scheme and a related planning condition.
23. The evidence also suggests that the site lies within a Great Crested Newt (GCN) Consultation Zone and lies within 500m of two ponds which may offer habitat for said species. The site does not contain ponds and they do not appear to be within the immediate surroundings. There are also a number of access roads and driveways enclosing the site which may sever connectivity of the site to any terrestrial areas used by GCNs. Nevertheless, the potential effects could arise from grading of the site and hedgerow severance.

⁶ Devon County Council, 2022

24. As indicated above, hedgerow severance beyond the existing gaps would not be strictly necessary and any grading of the site could be limited to discreet areas for the creation of dwellings and driveways. Thus, I do not consider that the potential effects on GCNs would be so certain or harmful that development could not proceed. However, further mitigation and enhancement measures are capable of being secured by way of planning condition within any reserved matters scheme.
25. The EclA also proposes a range of other enhancement measures which are capable of being secured by way of planning condition. Alongside suggested conditions in relation to the construction phase and long-term management (Landscape and Ecology Management Plan), the development would not result in harmful effects on any species or habitats. It would therefore accord with Policies EN5, EN14 and Strategy 47 of the Local Plan which seek to ensure that negative impacts on valued natural features and wildlife are mitigated or compensated for and seek for the provision of enhancements where possible.

Character, appearance and views

26. The appeal site sits within a semi-rural context on the outskirts of a residential village. The area around Lower Broad Oak Road/Hawkins Lane and Ford Lane is particularly verdant, with detached houses largely tucked away and partially obscured from the roadside. Open frontages are uncommon and very few houses directly address the road.
27. In addition to being an open, green break in the built context of the village, the site's contribution to the area includes its hedgerows with substantial trees and the view that it affords from glimpses through trees and the open field gate on Lower Broad Oak Road over the sloping site towards East Hill and Sidmouth Gap. This view is identified in Policy NP6 and Appendix 1 of the Neighbourhood Plan and is valued despite the presence of an existing dwelling in the lower, midground of the view and stable building close to the roadside. The view is along a well frequented route for recreational purposes by walkers and riders, in addition to being a vehicular through route. Many of the views out from the BUAB of West Hill are towards high quality surrounding countryside.
28. Even if at a low density and generally in accord with the woodland village character of the area, the introduction of dwellings, new accesses, outbuildings and domestic paraphernalia would undermine the openness, naturalness and view-framing qualities of the site in its present condition. The trees and hedges could be retained, but the introduction of built form would result in harm to the landscape character and visual quality of the area.
29. Due to the presence and retention of the hedges and trees, the extent of the visual harms would be localised. Dependant on the height and positioning of buildings, the valued view beyond the site towards East Hill could still be maintained in the background, though the introduction of development in the foreground has the potential to obscure or at least partially obscure this view, which would undermine its quality and value to those that would experience it.
30. Though noting that scale, layout and design could moderate the harms to a degree, the proposal would result in landscape character, visual harms and result in the loss of a valued view. These harms bring the scheme into conflict with Strategy 7 and Policy D1 of the Local Plan and Policy NP6 of the Neighbourhood Plan. These Policies seek to ensure development does not harm the distinctive

landscape, amenity and environmental qualities within which it is located, including, important natural and manmade features which contribute to the local landscape character, and with particular regard to Neighbourhood Plan Policy NP6, seeks to protect identified publicly valued views. The second part of Policy NP6 requires demonstration that the design of the development has taken the protection of public views into consideration, which would be more properly considered at the reserved matters stage.

Other Matters

31. The Council's emerging East Devon Local Plan 2020 – 2042 (eEDLP) has reached Regulation 19 Stage. The evidence indicates that the site is not to be allocated for development as part of the eLP and will likely still fall outside of the BUAB. Notwithstanding these facts, no conflicts with specific policies of the eLP have been brought to my attention that are alleged as being capable of attracting more than limited weight at this stage.
32. I have taken account of the numerous representations of local residents, largely in objection to the scheme. Where not addressed above, the issues raised include additional traffic generation, loss of agricultural land and effects on neighbouring occupiers.
33. In terms of additional traffic generation and potential conflicts with increased numbers of pedestrians, I do not consider that the proposal would result in material additional traffic or pedestrian movements that it would give rise to negative effects on highway safety. There is no technical objection on highway safety grounds effects to suggest otherwise.
34. Though there would be some changes in views from neighbouring properties, such effects would not amount to material harm. The potential for overbearing or overlooking effects could be assessed at the reserved matters stage, but given the size of the site and amount of development proposed, there is nothing to suggest that such effects would be likely.
35. Whilst the site would be lost to development, it does not appear to be being used for agricultural purposes at present and appears divorced from a larger, more viable agricultural unit. As such, the loss of agricultural land attracts limited weight.
36. Whilst it has been suggested that West Hill has enough large dwellings and that the proposal would fail to meet a need for smaller and affordable properties, the scheme is in outline form at this stage and such details cannot be clarified. However, there is a need for more housing in East Devon more generally and additional dwellings would be benefit in this regard, irrespective of size.
37. The concerns about losses of significant trees is not substantiated or necessary. The scheme could proceed without notable tree losses through utilising existing points of access, subject to reserved matters approval.
38. Whilst it is suggested that there is a covenant on the site which would be breached by the proposal, it is a matter that does not specifically prevent me from granting planning permission.
39. Though there is evidence to suggest that local schools are oversubscribed, the scale of development is such that mitigation payments are not required and could not be said to materially exacerbate existing issues.

40. The potential for any existing surface water flooding issues would be prevented by way of a planning condition requiring a surface water drainage scheme. In terms of the capacity of the local foul water drainage system, I have not been alerted to any such concerns from the relevant body to indicate that the scheme could not be accommodated. The need for the foul drainage scheme to be specified is also an aspect to be conditioned.
41. In terms of the creation of a precedent, it is evident that all schemes must be determined on their own merits. The site has its own particular characteristics and it is unlikely that they would be identical to another site elsewhere in the village. Similarly, the particular harms and benefits arising from this particular scheme are also unlikely to be replicated by a scheme such that a precedent could be created. This leads on to the point about there potentially being better, alternative sites with pavement connection to the village and lighting which may be available for development. The development of the appeal scheme would not preclude the development of better sites, if indeed they do exist. However, the potential existence of other sites does not affect my consideration of the appeal scheme specifically on its own merits.

East Devon Pebblebed Heath Special Area of Conservation

42. The site is within 10km of the SAC which is designated under the *Conservation of Habitats and Species Regulations* (2017), as amended (Habitats Regulations) for its distinctive wet and dry heathland habitat that in turn support a notable species of damselfly.
43. The proposal is not directly connected with or necessary for the nature conservation of the site. Conversely, occupiers of new residential accommodation within 10km of the SAC would generate increased recreational pressures which could, in turn, harm its integrity. This is a likely significant effect as a result of the development that cannot be screened out. Therefore, the effects of the proposal cannot be screened out and an appropriate assessment under the Habitats Regulations is necessary.
44. Whether alone or taken in combination with other schemes of a similar nature, through the provision of five new dwellings to the area within 10km of the SAC, the proposal would result in increased recreational pressures, thus harmful to the integrity of the SAC.
45. The Council and partner authorities have produced the *South-east Devon European Site Mitigation Strategy (the Mitigation Strategy)* which details the measures by which the effects of additional recreational pressures can be mitigated. For the relevant authorities, this involves collecting financial contributions as per a standard tariff in addition to collection of the Community Infrastructure Levy (CIL) to enable delivery of both infrastructure (i.e. alternative green spaces) and non-infrastructure elements (i.e. management of car parking and dog walking areas, raising awareness, supervision etc.) to maintain the integrity of the SAC.
46. An executed UU made as a deed under S106 of the Town and Country Planning Act 1990 has been submitted that provides for the requisite sum per dwelling towards the Mitigation Strategy based on the Mitigation Charging Zone evidence produced by the Council and dated 2021. This requires £196.81 per dwelling. The known number of dwellings, i.e. 5, therefore necessitates a payment of £984.05

which is provided for within the UU and which would be paid in full, with any necessary index uplift, prior to first occupation of the development.

47. I have sought the view of the statutory nature conservation body, Natural England, and it confirms that all identified adverse effects on the integrity of the SAC would be mitigated. Therefore, on the basis of the executed UU securing the necessary mitigation, the proposal would not harm the integrity of the SAC and would thus accord with the requirements of the Habitats Regulations and Strategy 47 of the Local Plan.

Planning Balance

48. Owing to the site's location outside of the BUAB and in respect of the landscape and visual harm that would result, the proposal would conflict with the development plan when taken as a whole.
49. The Council cannot currently demonstrate a five year supply of housing, with the position stated as being 2.7 years of the 5 year minimum supply requirement set by the National Planning Policy Framework (the Framework), with relevant buffer. Thus, the provisions of paragraph 11 d) of the Framework are engaged.
50. In light of the absence of a five year supply of housing land, I attribute reduced weight to Local Plan Strategies 1, 7 and 27 of the Local Plan and Policy NP1 of the Neighbourhood Plan by virtue of their inability to deliver an appropriate number of dwellings to meet the current housing needs. Policies TC2 and Strategy 5B are still capable of attracting weight as a means to secure sustainably located development.
51. The Framework indicates, in paragraph 110, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in both plan-making and decision-making. In this case, the village has some facilities to which residents could walk or cycle via various route options despite the rural nature of the roads which are well-frequented and relatively low traffic environments. There are also a modest range of bus services available from stops which are similarly accessible on foot or as part of a linked trip. Taking these aspects into consideration, I do not consider the appeal site to be so poorly located to facilities and services such that it amounts to a harm of significance or demonstrable nature.
52. The policies that seek to protect the locally distinctive identity and valued views still attract weight and are consistent with the aims of the Framework to contribute to the natural environment in recognition of the intrinsic character and beauty of the countryside.
53. However, in this case, there are no areas or assets of particular importance as defined in Framework footnote 7 that are protected by policies that provide a clear reason for refusal. Therefore, under paragraph 11 d) ii), I am required to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

54. The main adverse impacts would result from the harm to the character and appearance of the area and loss, at least partially, of a locally valued view.
55. The benefits would result from the delivery of a modest but valuable contribution of five dwellings to the local housing stock in the context of a housing supply shortage. Despite its outline nature, there do not appear to be obvious impediments to delivery of the scheme and planning conditions could secure a development that would avoid conflicts with other environmental policy objectives. These benefits attract great weight.
56. Overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme. Consequently, the presumption in favour of sustainable development forms a consideration of such weight that it indicates that permission should be granted other than in accordance with the development plan.

Planning Conditions

57. Given the outline nature of the scheme, conditions are necessary to secure the submission of reserved matters and the timing of their submission and the commencement of development. In the interests of certainty, it is necessary to specify the approved plan. As the application is made in outline form, it is not necessary to seek approval for the imposition of any pre-commencement conditions, though these have been limited to those strictly necessary to make the development acceptable.
58. In the interests of the character and appearance of the area, conditions are necessary to specify the timing and management of the landscaping scheme and protection of trees during the construction period.
59. In the interests of the amenities of neighbouring occupiers and minimising highway disruption, conditions are needed to secure a Construction Traffic Management Plan and limiting the construction working hours.
60. In the interests of environmental protection and to avoid the increased risk of flooding, a condition is necessary in relation to the means of surface water drainage. For similar reasons, details of foul water drainage are also necessary.
61. In the interests of highway safety, it is necessary to condition the provision of the turning and parking areas to serve each dwelling prior to their occupation.
62. To ensure the protection of the biodiversity interests of the site during the construction phase, a condition requiring the approval and adherence to a Construction and Ecological Management Plan is necessary. For similar reasons, a condition is necessary to secure a Landscape and Ecological Management Plan throughout the occupation of the development.
63. For the reasons outlined above, it is necessary to secure ecological protection and enhancement measures as part of the reserved matters schemes by way of condition. These would be largely based on the submitted EcIA, but with additional recommendations to provide further protections to important species such as an external lighting scheme and prohibition on other forms of external lighting.
64. To secure a satisfactory form of development, a condition is necessary to secure fixed finished floor levels of the proposed dwellings.

Conclusion

65. For the foregoing reasons, the appeal should succeed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout, scale and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two 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 approved plans that are listed as follows:
 - Drawing no. P101 (Location Plan and Site Plan)
- 4) The approved landscaping scheme shall be carried out no later than the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species.
- 5) Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) details of the amount and location of construction worker parking.

(n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The development shall be carried out in accordance with the agreed CMP.

- 6) No development above foundation level shall take place until details as to the surface water drainage scheme to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme. The scheme shall be carried out in accordance with the approved details prior to first occupation of the dwellings.
- 7) Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.
- 8) Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in B.S. 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement.
In any event, the following restrictions shall be strictly observed:
 - (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
 - (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
 - (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater).The development shall be carried out strictly in accordance with the agreed details.
- 9) No individual dwelling shall be occupied until the access, turning area, parking and garaging necessary for and associated with that dwelling have been completed in accordance with the approved plans. The turning areas, parking and, where relevant, garaging shall thereafter be kept free of obstruction and available for use for these purposes at all times.
- 10) No development shall take place (including ground works) until a Construction and Ecological Management Plan (CECoMP) has been submitted to and

approved in writing by the Local Planning Authority. The CEcoMP shall include the following:

- a) Risk assessment of potentially damaging construction activities, to include an invasive species management plan to prevent the spread of non-native plant species during the works. This is to include a pre-construction check a minimum of 6 weeks prior to commencement of works.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication, including reporting compliance of actions to the LPA.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW), including any licence requirements.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEcoMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 11) Prior to the commencement of development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority.

The content of the LEMP shall also include the following.

- a) Phasing/timing details in relation to ecological mitigation and enhancement measures, based upon those outlined in the Ecological Impact Assessment Report (Ref: 2319-EcIA Rev. 1.0) and any further related measures;
- b) Description and evaluation of features to be provided and managed.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum 30-year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

12) The details submitted pursuant to condition 1 shall be informed by the measures outlined in the Ecological Impact Assessment Report (Ref: 2319-EcIA Rev. 1.0) and shall also include:

- Corridors alongside linear features separate from private gardens;
- Adequate reptile protection, mitigation and/or translocation proposals;
- Means to ensure connectivity for Great Crested Newts;
- a Lighting Strategy to create dark corridors for bats detailing any external lighting of any dwellings and/or the site.

The development shall proceed in accordance with the approved details and no additional external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.

13) No development shall be commenced until details of final finished floor levels and finished ground levels in relation to a fixed datum have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

14) No development shall commence until details of a scheme for the disposal of foul water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented to serve each respective dwelling in accordance with the approved details prior to first occupation and shall thereafter be retained in perpetuity.

ENDS ----