



Appeal Decision

Inquiry Held on 3, 4 and 5 October 2017

Site visit made on 2 and 5 October 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2017

Appeal Ref: APP/C1760/W/17/3170081

Abbotsford, Braishfield Road, Romsey, Hampshire SO51 0PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Aaron Wright against the decision of Test Valley Borough Council.
 - The application Ref 15/03137/OUTS, dated 23 December 2015, was refused by notice dated 23 September 2016.
 - The development proposed is described as 'the erection of 46 dwellings, with associated open space and landscaping, including details of the proposed access onto Braishfield Road'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'the erection of 46 dwellings, with associated open space and landscaping, including details of the proposed access onto Braishfield Road' at Abbotsford, Braishfield Road, Romsey, Hampshire SO51 0PB, in accordance with application Ref 15/03137/OUTS, dated 23 December 2015, subject to the conditions set out in Annex D to this decision.

Procedural Matters

2. The appeal application was submitted in outline with access to be determined at this stage. All other matters, including layout, appearance, scale and landscaping are reserved for future consideration.
3. A planning layout, landscape masterplan, street scenes, tree protection plan, land use plan, access and movement plan and open space plan were submitted with the appeal application. It was confirmed, at the Inquiry, that these were for illustrative purposes only. I am determining the appeal on that basis.
4. The decision notice incorrectly set out the plans on which the Council made its decision. The correct plans were agreed at the Inquiry and are set out in Annex D to this decision.
5. The Council refused the appeal application for three reasons. However, the Council confirmed that it would not be defending the second and third reasons for refusal. This is on the basis that the completed Section 106 Agreement in combination with the list of agreed planning conditions, submitted towards the end of the Inquiry, would secure its requirements in terms of affordable housing and mitigation for the New Forest Special Protection Area.

Main Issues

6. Having regard to the above, the main issues in this case are:
 - the effect of the appeal proposal on the character and appearance of the locality; and
 - the principle of the proposed development, having regard to the location of the appeal site outside the settlement boundary.

Reasons

Character and Appearance

7. The appeal site includes a field which has boundaries mainly of hedges and trees. It is mostly open grass and scrubland and includes the remains of a small building in its northern section. A notable characteristic is the large Oak tree, which sits centrally within the northern part of the appeal site. That tree and others along the boundaries are protected by Tree Preservation Order, TPO TVBC.1113.
8. The appeal site backs onto the ribbon of properties on Braishfield Road and, to its south, a field with Woodley Close beyond. On its northern and eastern sides it borders a development site called Ganger Farm. Ganger Farm is a large development including 275 homes, sports facilities and allotments. Development was taking place at the time of the Inquiry and I was able to observe, on my site visit, that the proposed allotments, some of the sports pitches and the access road from Jermyn Road had been partially laid out and construction of some of the houses had begun.
9. The locality includes a mix of uses. These include open space, homes and other uses, along with a few fields. Beyond is open countryside. Whilst the surroundings include low level uses often found at the edge of a settlement or 'transitional area', such as a cemetery and open space, very close by there are more suburban uses, such as the large, mainly housing development at Abbotswood and the construction works at Ganger Farm. Whilst this part of Braishfield Rd has a more rural feel than the southern end, the appeal site is set back from that road and is more influenced by the large development underway at Ganger Farm and other houses and back gardens nearby. The appeal site, although mostly an open field, has strong suburban influences. The construction works next door are particularly evident from within the site. This gives the appeal site and the locality a generally suburban character and appearance.
10. When the Ganger Farm development is complete, the proposed allotments with associated parking area would sit between the appeal site and Jermyn Road. A small element of open space with the access road beyond and homes are intended to sit along the eastern boundary of the appeal site. The appellant is developing that site. As construction work is well advanced and no evidence is before me to suggest that development would not be completed, it is reasonable to assume that it will be built out in accordance with its planning permission¹ and will sit alongside the appeal scheme. With its built development, playing fields, street lighting and some floodlighting, along with

¹ Ref 14/01090/FULLS

- the associated activity from that site, that finalised development will further urbanise the locality.
11. The appeal scheme would result in development where there is currently none and the loss of a green field site. That change would further urbanise the locality and would reduce the amount of open space close to the edge of Romsey's built up area. However, as the locality is generally suburban, that loss would result in a small amount of harm to the character and appearance of the locality.
 12. Further, the appeal site has a substantial development site, soon to be a substantial housing development, between it and the countryside beyond. Even though the sports pitches and allotments included in that development would be low level uses, that site already has a suburban feel; a characteristic that will be enhanced once that development is complete. That matter significantly diminishes the appeal site's contribution to the countryside and the landscape setting of Romsey and therefore the harm that would be a consequence of its development.
 13. Additionally, the appeal site is generally flat and well contained by planted boundaries, which include trees and hedges. Those planted boundaries, although not complete, together with any additional planting, would generally visually contain the proposed development and diminish its impact on the locality. Surrounding land is generally level too. As its impact would be localised and the Baddesley Mixed Woodland Farmland and Woodland Landscape Character Area includes areas where 'residential development abuts the open areas of arable farmland' the appeal development would not materially adversely affect that landscape character area. Due to its limited size and visual influence and the suburban character of the locality, I consider that it would not have a material effect on the higher order national and regional Landscape Character Areas (LCA) identified by both main parties. In any event, as the field boundaries would be retained, the intimate and enclosed field pattern and mixed species hedgerows identified in those LCAs would not be materially altered and I have limited substantive evidence to suggest that the appeal site is a remnant of a once common land type, I consider that their key characteristics would not be materially affected. Overall, for these reasons, I consider that the appeal would not materially adversely affect the landscape character of the locality.
 14. Moreover, the proposed houses would be set back behind existing development on Braishfield Road. Even though the appeal development would erode the characteristic single depth ribbon development along that road, views through to it would be limited and would be seen against the existing backdrop of development at Ganger Farm. Whilst views would be appreciable through the proposed access from that road, any harm could be mitigated by landscaping and planting, the details of which could be for later consideration. Material harm in this regard would not be a consequence therefore.
 15. From surrounding properties, the proposed development would generally be seen against the backdrop of existing suburban development or development under construction. The proposed houses, as viewed from the adjacent dwellings, would almost fill those views and as a result some visual harm would result. However, as the exact relationship with adjacent development would be defined at a later stage and measures such as planting, layout and design

could reduce such harm, I consider that it would amount to a small amount of visual harm. As the development would be seen against the backdrop of existing development, cumulative and sequential harm would not be material. Suffice to say at this stage, that the illustrative layout indicates that the amount of development proposed could be accommodated, whilst retaining the boundary planting and most of the significant trees. The scheme could also include some areas of open space. Whilst the Council, in written evidence, raises doubt as to whether the planted boundaries would be retained, the illustrative layout assures me on this point and the details of their retention and any additional planting could be dealt with at a later stage. Although a small amount of visual harm would result, for all of these reasons, overall, the appeal development would acceptably blend into the locality.

16. At the Inquiry there was extensive debate focussed on the conclusions of conflicting Landscape and Visual Impact Assessments (LVIA). Generally, I consider for all of the above reasons, that the visual impact of the proposed development would be limited. The general agreement between the two main parties on the extent of the Zone of Theoretical Visibility gives me assurance on this point. On that basis, and for all the reasons stated earlier, this would limit the wider landscape around it that the proposed development would influence in a significant manner. It therefore seems appropriate to me to define the study area narrowly and to use the most detailed LCA available to help define the Landscape Receptors and assess any impact on landscape character. It is difficult to directly compare the two LVIA's as the definition of appropriate study area differs between the two and that has influenced the Landscape Receptors assessed and their final conclusions. However, for the reasons stated earlier, overall, I have generally found the evidence of the appellant more persuasive on this matter.
17. The appeal development would be closer than existing development to the Sir Harold Hillier Arboretum and Gardens, which is a grade II listed Historic Park and Garden. The Council does not raise concern regarding the effect on its significance as a heritage asset or its landscape setting. As the construction at Ganger Farm and existing planting lies in the intervening space, I have no reason to take an alternative view on these matters.
18. I have identified harm to the character and appearance of the locality through the loss of a green field, including some visual harm. However, such harm, when taken together, would be small and localised for all the reasons set out above. Notwithstanding this, when taken in the round, I consider that the appeal development would not have a detrimental impact on the appearance of the immediate area and the landscape character of the area in which it is located. Therefore, it would not adversely affect the character and appearance of the locality. For that reason, it would generally accord with Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 (RLP) Policy E2. That policy aims to ensure the protection, conservation and enhancement of the landscape of the Borough.

The Principle of Development

19. It is agreed between the two main parties that most of the appeal site is situated outside the settlement boundary of Romsey as defined by RLP Policy COM2. In fact, both parties agreed at the Inquiry, that only part of the

- proposed access and enough land to accommodate roughly three dwellings would be within it; the remainder would adjoin it.
20. RLP Policy COM2 states that within the boundaries of settlements identified in the hierarchy (set out in table 7), the principle of development will be permitted, provided that it is appropriate to the other policies of that plan. Development outside the boundaries of settlements in the hierarchy will only be permitted if appropriate in the countryside (in accordance with various RLP policies) or a countryside location is essential. At the Inquiry it was agreed between the two main parties that the appeal proposal cannot be regarded as either appropriate or essential in terms of RLP Policy COM2. I have no reason to disagree with that position.
 21. Therefore, the appeal proposal which would be situated mostly outside the settlement boundary would conflict with RLP Policy COM2; a conclusion agreed by the two main parties at the Inquiry. The dispute between the parties was regarding the weight to be attached to the breach of COM2; the appellant indicating that it is a minor or technical breach. I take the view that the appeal scheme would be mostly outside the settlement boundary, defined by a recently adopted development plan and the terms of that policy do not indicate that compliance with RLP Policy COM2 is based on whether or not there is development close by per se. Therefore it is not a technical or minor breach.
 22. Further, I note that the Council's approach to the definition of this settlement boundary was found sound at Examination and it is clear that the RLP Inspector was aware of the Council's resolution to grant planning permission for the Ganger Farm development at the time of that Examination. He did not amend this settlement boundary as a consequence, rather suggested that it could be considered as part of a future review of the RLP. Whilst it is possible that the settlement boundary will be altered in the future and may include the appeal site within it, that is a decision to be taken informed by a full review and it is not for me to anticipate the outcome of that process. Therefore, I accord little weight to the appellant's arguments put to me in this regard.
 23. However, it is clear that the aim of that policy is to direct development to the most sustainable locations and in so doing to reconcile the need for development with the need to protect the countryside. The appeal scheme would be located very close to the existing settlement and would benefit from easy access to existing facilities and services therein. Further, it is divided from the countryside by the large Ganger Farm development and is in a generally suburban context. Those matters, together, significantly limit the appeal site's contribution to the countryside. Whilst I acknowledge RLP Policy COM2 forms an intrinsic part of the spatial strategy for the RLP, in the circumstances of this appeal, the proposed development would not materially undermine its spatial strategy or the intrinsic character and beauty of the countryside. This limits the weight that I attach to the development plan conflict that I have identified.
 24. In coming to this conclusion, I have had regard to a previous appeal decision before me (APP/C1760/W/15/3139021) where the Inspector has come to a different conclusion on the weight to be attached to such a development plan conflict. However, the circumstances of that appeal differ to this, in as much as that site was not divided from the countryside by a large development directly adjacent.

25. I conclude that the appeal proposal would be mostly outside the settlement boundary. It would therefore be contrary to RLP Policy COM2. However, the above considerations limit the weight that I attach to that development plan conflict.

Legal Agreement

26. The amount of affordable housing proposed would meet the requirements of RLP Policy COM7 and the mix would be in line with that which the Council seeks to achieve. On the basis of the significant identified need in the area, I consider that it would be necessary, directly related to the development and fairly and reasonably related in scale and kind. Therefore, I intend to take that benefit into account in coming to my conclusion on this appeal.

27. The legal agreement also includes the provision of a financial contribution for the non-infrastructure measures associated with the provision of Suitable Alternative Natural Greenspace (SANG) Mitigation Land. As the appeal site is located within the identified zone such a contribution would be necessary to mitigate the increased recreational pressures on the New Forest SPA. This would accord with the New Forest SPA Mitigation Interim Framework. I consider that appropriate evidence is before to demonstrate that such a contribution would meet the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

28. A landscape management plan along with details of any management company are requirements that are specific to the appeal site and necessary as the proposed areas are not offered for adoption by the Council. The provisions would ensure that any landscaped areas were implemented and maintained in perpetuity which is necessary to ensure that the proposed development would blend into the locality and would be a high quality design. The provision of a pedestrian /cycle link within the appeal site to Braishfield Road would promote non-car modes of transport. I consider that sufficient information is before me on these two provisions to meet the tests set out above.

29. As all of the above provisions pass the relevant tests set out above, I will take them into account in coming to my decision on this appeal.

Other Matters

30. On the basis of the limited number of dwellings proposed, the amount and speed of traffic I observed on Braishfield Road, the location of the proposed development close to some facilities and services, and some off-site highway works proposed, I consider that in transport terms the residual cumulative impacts of development would not be severe. I therefore have no reason to take an alternative view to the Council on this matter.

31. As the proposed access would be located on a relatively straight part of Braishfield Road, there would be some separation between it and other accesses and it would include visibility splays, I consider that it would provide for safe access; a matter agreed between the two main parties.

32. Necessary infrastructure would be funded through the CIL payments that the proposed development would attract. Coupled with existing facilities and those to be provided as part of the Ganger Farm development, this would ensure that adequate provision would be available. As the appeal site would retain planted boundaries, some areas of open space and a biodiversity mitigation and

- enhancement strategy could be subject of a planning condition, I have no reason to take a different view to the Council that no material harm to wildlife would result.
33. A local resident has commented that the appellant did not engage with local people on the proposed design of the dwellings. However, the design of the proposed dwellings is not a matter for me in dealing with this outline application for development.
 34. The houses on Braishfield Road which back onto the appeal site have large rear gardens. Due to the separation distance and as there is planting and some fencing between those gardens and the appeal site, a development, of the scale envisaged, could be accommodated so as to avoid harmful overlooking, including into the private areas of those properties. The illustrative layout, which includes a landscaped edge, gives me assurance on this point.
 35. Security measures to protect those properties on Braishfield Road, if considered necessary, are a matter to be dealt with as part of the detailed planning stage when the siting and design of the proposed houses would be considered. The details of surface and foul drainage systems could be controlled through planning conditions attached to any outline permission.
 36. I was advised at the Inquiry that a Neighbourhood Plan for the area was at a very early stage of preparation. It was confirmed to the Inquiry that a draft of that document had not been prepared. I therefore am unable to attach weight to it.

Planning Balance

37. I have identified some small localised harm to the character and appearance of the locality, but have concluded that overall, it would not conflict with RLP Policy E2. Further there would be some small visual harm due to a more urban setting for adjacent dwellings. Due to the appeal development being sited mostly outside a settlement boundary, I have identified that there would be a development plan conflict, as it would be contrary to RLP Policies COM2. The proposals would accord with a number of other policies of the RLP. Nevertheless, I consider that the conflict with RLP Policy COM2 is of sufficient importance to put the appeal scheme into conflict with the development plan as a whole. However, for the reasons previously given, I attach limited weight to that development plan conflict.
38. In coming to this conclusion, I have had regard to the appeal decision in Burton upon Trent (APP/K3415/A/2225799) brought to my attention. That appeal differed from this one as, on the basis of that Inspector's findings on housing land supply, that settlement boundary could not be regarded as up to date.
39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, I have no reason to determine that regard should not be had to the development plan.
40. In assessing whether there are other material considerations which would outweigh that development plan conflict and other harm, I have identified

factors that limit the weight that I attach to that development plan conflict. These include that the appeal site makes a limited contribution to the countryside, for the reasons explained earlier and therefore its development would not materially undermine the development plan's spatial strategy.

41. Turning to the benefits, the environmental benefits would include new tree and hedge planting. Overall, they would provide the opportunity to enhance biodiversity. The appeal proposal would provide a new pedestrian and cycle route which would improve accessibility in the locality and would encourage non-car modes of transport. To these benefits, together, I attach some weight.
42. In terms of social benefits, the appeal proposal would provide additional housing, 40% of which would be affordable and the Council could ensure that the size and tenure of the proposed dwellings would meet a local need. It would be sited close to the facilities and services in that locality and would enable travel to them by non-car modes of transport; a matter agreed between the two main parties. The Council can demonstrate a five year housing land supply, a matter that was uncontested at the Inquiry. Even so, mindful of the national imperative set out in paragraph 47 of the Framework, to boost significantly the supply of housing, to these social benefits, I attach substantial weight in favour of the appeal.
43. There would be economic benefits from the proposed development through employment and additional spending power resulting from the construction phase and from future occupiers of the proposed development. I have no evidence that the New Homes Bonus that would be a consequence of the appeal would be a direct benefit to the locality and therefore it does not attract weight in my balancing exercise. To these economic benefits, overall, I accord significant weight. Overall, to all of the benefits of the appeal, together, I accord more than substantial weight.
44. To conclude, I have found that the appeal proposal would result in a conflict with the development plan as a whole. Therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I need to assess whether there are other material considerations that would outweigh that development plan conflict. I have identified that the development plan conflict would not be weighty for the reasons set out above. Taken together the other material considerations, including the benefits of the appeal, are weighty. In this case, overall, the other material considerations before me indicate a decision other than in accordance with the development plan. For this reason, the appeal should be allowed.

Planning Conditions

45. A list of suggested planning conditions was agreed between the two main parties at the Inquiry. I have agreed with the imposition of most of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.² A list of planning conditions to be imposed is set out in Annex D.
46. For the proposed development to proceed, standard outline conditions are necessary to ensure certainty in the planning process along with a plans condition. Details of ground levels and tree protection are required to ensure

² Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

that the development blends into the locality. Conditions to ensure appropriate archaeological assessment, investigation and mitigation along with appropriate reporting are necessary to protect the site's archaeology and ensure that it contributes to the knowledge and understanding of the past. A biodiversity mitigation and enhancement scheme is necessary at this time to avoid impacts on protected species. To ensure highway safety and that the development would blend into the locality, conditions to control the timing of works for the visibility splay, off-site highway works, the detail of pavements and roads, including details of street lighting and to ensure that development is carried out in accordance with an agreed construction traffic management plan are all required. Details of proposed measures to deal with foul and surface drainage are required to avoid flooding and protect water quality and public health. Conditions to deal with any contamination are required to ensure a safe living and working environment. To protect the living conditions of those living close by, an assessment of any noise and vibration works along with any mitigation during construction is required. A condition to secure water efficiency in the design of the proposed dwellings is necessary to ensure efficient use of natural resources. To ensure that the provisions of the UU are enforceable and as a clause within the agreement itself would not give complete assurance on this matter, a condition to ensure that all parties with an interest in the land enter into a Planning Obligation in materially similar terms to the executed Unilateral Undertaking (UU) is required in the exceptional circumstances of this case in which the mortgagee has not signed the UU.

47. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be allowed subject to the conditions listed in Annex D to my decision.

R Barrett

INSPECTOR

APPEARANCES AT THE INQUIRY**Annex A****FOR THE COUNCIL**

Clare Parry (of Counsel)

Instructed by Keith Harold, Solicitor and
Legal Service Manager (Planning and
Licensing) Test Valley Borough Council

She called:

Will Harley BSc (Hons) CMLI

Katie Rasdall Lawes B.Ed MA MRTPI

Anthony Allen MRTPI

FOR THE APPELLANT

Sasha White QC

Instructed by Stuart Goodwill (Head of
Planning, Barrett David Wilson Homes,
Southampton)

He Called:

Jeremy Smith BSc Hons DipLA CMLI

Director SLR Consulting Ltd

Steven Brown BSc Hons DipTP MRTPI

Principal Woolf Bond Planning

**OTHER INTERESTED PERSONS WHO
SPOKE AT THE INQUIRY**

Michael Stubbs

Braishfield Village Association

Julie Murray Fisher

Local Resident

Alison Johnston

Borough Councillor Romsey Extra

DOCUMENTS**Annex B****The Council's Documents**

LA1	Proof of Evidence plus appendices and summary of Will Harley
LA2	Proof of Evidence plus appendices and summary of Katie Rasdall Lawes
LA3	Proof of Evidence plus appendices and summary of Anthony Allen

The Appellant's Documents

AP1	Appellant's Statement of Case dated February 2017
AP2	Proof of Evidence plus appendices and summary of Jeremy Smith
AP3	Proof of Evidence plus appendices and executive summary and rebuttal proof dated 27 September 2017 of Steven Brown

SoCG

SoCG on planning matters dated 4 September 2017

SoCG on landscape matters dated 27 September 2017

Documents Submitted at the Inquiry**Annex C**

- IQ1 Appellant's appearances
- IQ2 Council's appearances
- IQ3 Draft legal agreement (UU)
- IQ4 Supporting letter to the draft legal agreement dated 2 October 2017, setting out a summary of UU provisions
- IQ5 Appellant's opening
- IQ6 Council's opening
- IQ7 Plan submitted by appellant showing Ganger Farm site allocation LHW2 and extent of planning permission granted
- IQ8 CIL Compliance Note (Addendum 4 October 2017)
- IQ9 Plan 151830/A/08 rev C
- IQ10 Erratum dated 3 October 2017 to the Planning SoCG
- IQ11 Statement of Michael Stubbs
- IQ12 Statement of Julie Murray Fisher
- IQ13 Statement of Alison Johnston
- IQ14 Addendum to Conditions Compliance Statement
- IQ15 List of people attending site visit and suggested viewing locations
- IQ16 Note on need for Grampian condition
- IQ17 Completed legal agreement
- IQ18 Agreed wording of suggested Grampian condition
- IQ19 Council's closing submissions
- IQ20 Appellant's closing submissions

LIST OF PLANNING CONDITIONS**Annex D**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 5 years from the date of this permission or 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved documents: 18-2003 000; 15130/A/09 Rev A; 15130/A/08 Rev C.
- 5) Before the development hereby permitted is commenced, details including plans and cross sections, shall be submitted to and approved by the local planning authority of the existing and proposed ground levels of the site, including at its boundaries and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken strictly in accordance with the approved details.
- 6) The development hereby permitted shall not commence until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that shall be submitted to and approved in writing by the local planning authority. The assessment shall take the form of trial trenching within the footprints of the proposed houses and access road. Implementation shall be in accordance with the approved details.
- 7) The development hereby permitted shall not commence until the applicant has secured a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the local planning authority. Implementation shall be in accordance with the approved details.
- 8) Within one month of the completion of the archaeological field work, a report will be produced in accordance with an approved programme, that shall be submitted to and approved in writing by the local planning authority, including where appropriate, post-excavation assessment, specialist analysis and reports, publication and public engagement. Implementation shall be in accordance with such approved details.
- 9) Prior to the commencement of the development hereby permitted, a detailed site-wide biodiversity mitigation and enhancement scheme shall be submitted to and approved by the local planning authority. Implementation shall be in accordance with the approved details.
- 10) Prior to the commencement of any other part of the development, the access shall be constructed with the visibility splays of 2.4 metres by 120 metres and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General

- Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the existing carriageway at any time.
- 11) The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015. Details of compliance shall be provided to the local planning authority.
 - 12) Prior to the first occupation of the development hereby permitted, a detailed off-site highway works design package, as shown in principle on drawing 151830/A/08 Rev C, 'Proposed Site Access', shall be implemented in full in accordance with a scheme of works that shall have been submitted to and approved in writing by the local planning authority.
 - 13) No development hereby permitted shall commence until a Construction Traffic Management Plan to include details of provision to be made on site for contractor's parking, construction traffic access, wheel washing facilities, space reserved for the turning of delivery vehicles and lorry routeing has been submitted to and approved in writing by the local planning authority. Implementation shall be in accordance with the approved details with the approved measures being retained throughout the construction period.
 - 14) Development shall not begin until a surface water drainage scheme, including sustainable urban drainage, has been submitted to and approved in writing by the local planning authority and the scheme shall be carried out in accordance with approved details before the first dwelling is occupied.
 - 15) Development shall not begin until full details of the proposed foul drainage strategy for the site have been submitted to and approved in writing by the local planning authority and the scheme shall be carried out in accordance with approved details before the first dwelling is occupied.
 - 16) No development shall take place until a detailed scheme for the protection of existing trees both on and adjacent to the site, and which are shown for retention, and the means by which these retained trees are to be protected during the construction phase, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall follow the principles laid out in accordance with the approved plan and include a plan showing the location and specification of any protective fencing, ground protection and/or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any site operations and at least 2 working days notice shall be given to the local planning authority. Tree protection installed in accordance with the approved details shall be retained for the full duration of construction work and no activities whatsoever shall take place within the protected areas.
 - 17) No development shall take place (other than any approved site clearance works) until an assessment of the nature and extent of any contamination and a scheme for remediating the contamination has been submitted to and approved in writing by the local planning authority. The

assessment must be undertaken by a competent person, and shall assess the presence of any contamination on the site, whether or not it originates on the site. In the event that contamination is found, or is considered likely, a scheme containing remediation proposals designed to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the local planning authority. The site shall not be brought in to use until a verification report, for the purpose of certifying adherence to the approved remediation scheme, has been submitted to and approved in writing by the local planning authority.

- 18) In the event that contamination that was not previously identified is found at any time during demolition and/or construction works, the presence of such contamination shall be reported in writing to the local planning authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved in writing by the local planning authority. The approved remediation scheme shall be implemented and a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the local planning authority prior to the site being brought in to use.
- 19) No percussive or vibratory piling work shall be conducted on site until a noise and vibration assessment, including a scheme of mitigation measures, has been submitted to and approved in writing by the local planning authority. Implementation shall be in accordance with the approved details and any approved measures shall be retained throughout the construction period.
- 20) No dwelling shall be occupied until details of roads and pavements have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - a) the width, alignment, gradient and surface materials including all relevant horizontal and longitudinal cross sections showing existing and proposed levels;
 - b) the type of street lighting including calculations, contour illumination plans and means to reduce light pollution; and
 - c) the method of surface water drainage including local sustainable disposal.Development shall be undertaken in accordance with the approved details prior to the occupation of the first dwelling.
- 21) No development shall commence until all parties with an interest in the land within the red line of the location plan, have entered into a section 106 Planning Obligation in materially the same terms as the Unilateral Undertaking completed on 5 October 2017 by Edward Graham Smith and Paul Graham Smith.