



Appeal Decision

Inquiry held on 17, 18 and 19 December 2013

Site visit made on 17 December 2013

by J M Trask BSc(Hons) CEng MICE

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

Decision date: 21 February 2014

Appeal Ref: APP/N2345/A/13/2200445

Land to the south of Whittingham Road, Whittingham, Longridge PR3 2AB

- 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 David Wilson Homes North West (BDW Trading Limited) against the decision of Preston City Council.
 - The application Ref 06/2012/0544, dated 1 June 2012, was refused by notice dated 29 April 2013.
 - The development proposed is the demolition of redundant buildings and residential development consisting of 81 dwelling houses and associated open space, landscaping, a new site access, new pumping station and supporting infrastructure at land to the south of Whittingham Road and east of Green Nook Lane, Whittingham.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of redundant buildings and residential development consisting of 78 dwelling houses and associated open space, landscaping, a new site access, new pumping station and supporting infrastructure at land to the south of Whittingham Road, Whittingham, Longridge PR3 2AB in accordance with the terms of the application, Ref 06/2012/0544, dated 1 June 2012, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal has been modified with a reduction in the number of dwellings from 81 to 78 and this was the basis on which the Council considered the application. I have amended the description to take this into account and made other minor modifications to aid clarity.
3. On 4 November 2013 the Council resolved to withdraw its first reason for refusal and at the Inquiry the Council confirmed that, with a completed planning obligation in place and the imposition of suitable conditions the objections in respect of the remaining reason for refusal would be overcome. Agreement was reached on a number of viability related matters and accordingly the Council called no witnesses and the appellant reduced the number of witnesses called.
4. The appellants submitted a s106 Planning Agreement dated 10 January 2014 (Doc 39) and this is considered below.

Main Issues

5. Before and during the Inquiry the parties submitted Statements of Common Ground that addressed the outstanding matters of dispute between the Council and the appellant. Nevertheless, I shall consider the issues arising from the reasons for refusal of planning permission as these were the subject of evidence given at the Inquiry. Thus the main issues are the effect of the proposal on highway safety and the free flow of traffic and whether the proposed amount of affordable housing and standard to be achieved in relation to the Code for Sustainable Homes would be appropriate in the context of the viability of the development, development plan policy, the National Planning Policy Framework (the Framework) and all other material considerations.

Reasons

6. The appeal site is currently occupied by agricultural buildings and hardstandings, associated with the former use as a chicken farm, as well as some open agricultural fields. It is not within or adjacent to any protected area and is adjacent to the boundary with Longridge.

Highway safety and the free flow of traffic

7. The proposed development would generate traffic on the highway network and the capacity of the existing network has previously been exceeded¹, particularly at Broughton Crossroads. However, since the Appeal Decision relating to the adjacent site (the Fox Appeal²), in which the Inspector expressed his concerns about highway capacity, and since the refusal of planning permission for this development by the Council, the improvement works to the M55 Junction 1 have been completed and this should improve the operation of Broughton Crossroads. Also the Central Lancashire Community Infrastructure Levy (CIL) has come into effect as well as the Preston and Lancashire City Deal and these will ensure the timely completion of the Broughton Bypass. The works will address the existing congestion concerns and the additional impact of future development, including the development of other sites along Whittingham Road. The CIL contribution arising from the development would go towards overcoming the highway safety and congestion concerns resulting from the development and a provision could be included in a planning obligation to take account of the possibility that the Central Lancashire CIL does not continue in its present form. I therefore conclude that the indications are that highway capacity would be sufficient in the long term.
8. The highway authority has confirmed that the interim impact of the proposed development would be acceptable in the event that the development was completed prior to completion of the Broughton Bypass. I have had regard to the other potential developments along Whittingham Road but given the limited amount of traffic arising from the development and the improvement of operations at Broughton Crossroads, I agree with this view.
9. There are also some concerns in respect of local highway matters, such as the capacity of the Stonebridge roundabout. However, the highway authority is content that a site specific travel plan, traffic calming measures, dropped kerbs, pedestrian refuges, cycle lanes, bus stop improvements and the other

¹ Appeal Decision Ref: APP/N2345/A/12/2169598

² Appeal Decision Ref: APP/N2345/A/12/2169598

highway works agreed with the Council would overcome the local transport concerns. These provisions can be ensured by the imposition of conditions and inclusion in planning obligations.

10. The Council has confirmed that its objections in respect of this issue can be overcome and this is in accord with my colleague's conclusions in a recent Appeal Decision³ relating to a site at Forest Grove, Barton. I conclude the proposal would not have a significantly detrimental effect on highway safety or the free flow of traffic and would not conflict with saved Policy T19 of the Preston Local Plan, 2004, Policy 2 of the Central Lancashire Core Strategy 2012, the National Planning Policy Framework or Policy ST2 of the emerging Preston Local Plan 2012-26 (previously the Site Allocations and Development Management Policies Development Plan Document).

Code for Sustainable Homes

11. From January 2013 Core Strategy Policy 27 indicates that all new dwellings should meet at least Level 4 of the Code for Sustainable Homes subject to the achievement of Level 4 not threatening the economic viability of the development. This is in accord with the provisions of paragraph 173 of the Framework. It is therefore necessary to determine the economic viability of the proposal.
12. The appellant submitted a viability appraisal which indicated that even with construction to Level 3, rather than Level 4, the inclusion of 30% affordable homes would not be viable. The appraisal was disputed by the Council in respect of the projected sales values of the proposed houses and other matters. At the Inquiry the Council updated its position in relation to the required tenure split of the affordable housing (which should be in accord with the Preston City Council Equity Model, see Doc 18). This would allow for an increased amount of affordable housing with consequent effects on sales values and CIL charge. The planning contributions were further refined, including the costs of implementing the Travel Plan and modifying the contribution towards highway improvement works to take account of the proposed development on the opposite side of the road and the adjacent site. All these matters were agreed between the main parties (see Doc 26) and described in evidence by Mr Greep at the Inquiry. I agree with the Council and the appellant that these changes better reflect the circumstances of this case and while I acknowledge that the Council does not agree the revised appraisal, no witnesses were put forward to challenge it at the Inquiry.
13. The sales values of the proposed properties are subject to many factors, some generic and some personal. The parties have estimated the sales values by comparing them with other new homes schemes in the area. I visited these schemes after my site visit. The numbers and types of homes in the developments varied as did the rate of sales, incentives offered, location and proportion of affordable homes. The amount paid for similar properties also varied, even within the same development. The assessment of financial viability requires professional judgement, particularly in relation to sales values, and I agree with the parties' view that the appellant's assessment of sales values is likely to be within a range that could be considered to be reasonable.

³ Appeal Decision Ref: APP/N2345/A/13/2192362

14. Paragraph 173 of the Framework aims to ensure that land comes forward for development so that proposed development is deliverable. To secure deliverability the Framework says that the costs of any requirements should provide competitive returns to a willing landowner and willing developer. The appraisal submitted includes the assessment of a competitive return for the land owner and this seems to me to be a matter which is particularly dependent on local circumstances and those personal to the landowner and therefore it is subject to considerable variation. The amount paid for the land would need to be more than the Existing Use Value (EUV) to provide sufficient incentive for the landowner to sell the land for development and the appellant's approach is that the landowner should receive 50% of the uplift in land value from the EUV to the value of land available for development but free of planning obligations.
15. The Council has made a comparison with the Cottam Hall site and this does not suggest that the appellant's assessment of the incentive for the landowner is too high. In the light of this and that the only other means of determining the landowner's incentive that has been put forward is to add an unspecified premium to the EUV, I am content with the appellant's approach. I note that while the circumstances of the case were somewhat different, this approach was previously accepted by my colleague in the Appeal Decision relating to The Manor, Shinfield⁴.
16. The parties disagreed on the costs of constructing the homes to meet Level 4 of the Code for Sustainable Homes rather than Level 3. Nevertheless, it is clear from the most up to date appraisal (Doc 38) that with the inclusion of 30% affordable housing the residualised land value would be close to that required to ensure deliverability. Therefore any significant additional cost would put at risk the economic viability of the development, even the lower of the estimated costs for achieving Level 4. Thus I conclude that the achievement of Level 4 is not required in this case and that construction to Level 3 of the Code for Sustainable Homes would be in accord with the provisions of Core Strategy Policy 27 and the Framework.

Other Matters

17. Planning permission has recently been granted for a number of new homes in the area. Nevertheless, while the appellant and the Council disagree on the precise amount, they are agreed that there is a substantial shortfall in the supply of housing land. The proposed development would make a contribution towards meeting the demand for housing and, in accord with the Government's aim to boost significantly the supply of housing, this matter weighs in favour of the proposal.
18. Paragraph 49 of the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up-to-date if a five-year supply of housing land cannot be demonstrated and I shall consider this matter later in this decision.
19. A Section 106 Agreement has been submitted which makes provision for Affordable Housing, a Travel Plan support contribution, provisions in the event the CIL is not operational, Public Open Space and a Management Plan and a

⁴ Appeal Decision Ref: APP/X0360/A/12/2179141

contribution towards highway works. I am satisfied that these provisions and contributions are necessary to make the development acceptable, are directly related to the development and reasonably related in scale and kind. As such the obligations pass the tests set out in the Framework and satisfy the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). I shall therefore take these provisions into account.

20. The main parties agree that the proposal would not have any significant adverse impact on an Area of Separation but this concern was raised by Councillors at the Inquiry. The appeal site is identified as "Open Countryside outside the Green Belt" within the adopted Proposals Map, but the relevant policy has not been saved. Core Strategy Policy 19 describes Areas of Separation (AOS) that are to be designated in general terms. The areas are intended to maintain open areas of countryside and protect the identity and distinctiveness of settlements. The detailed boundaries of these areas are to be set out in the local plan. Policy EN2 of the emerging Preston Local Plan 2012-26 (previously the Site Allocations and Development Management Policies Development Plan Document) defines the proposed boundaries of those areas where development which leads to a risk of settlements merging will be resisted. This is in the interests of the character of settlements and neighbourhoods.
21. The appeal site is adjacent to Longridge and would be within and on the eastern edge of a proposed AOS. I visited the surrounding area after my site visit and noted the more historic and semi-rural character of the area around Halfpenny Lane, which is to the north of Whittingham Road and to the west of the site. The site is to the south of the road and given the size, scale, layout and location of the proposed development, I conclude that although there would be some loss of open countryside, there would be little increased risk of settlements merging and no significant harm to the character of nearby settlements and neighbourhoods.
22. In reaching this view I have had regard to the possibility of future development on the opposite side of the road (Fox Appeal) but the impact of the proposal in this case would be similar whether or not the Fox scheme goes ahead. My attention has also been drawn to the Inspector's view in the Hallam Land appeal at Grimsargh⁵ and the court judgement (Doc 30) but in that case the site was within the very narrowest section of the possible AOS and was, therefore, in the most sensitive part of the AOS in terms of separation of the settlements.
23. The boundaries of the AOS have yet to be defined in an adopted development plan document and I have found there would be limited harm to the objectives of the adopted and emerging policies. Nevertheless, there would be some conflict with Core Strategy Policy 19. The emerging Preston Local Plan 2012-26 has been subject to public consultation but there are significant unresolved objections and the plan will not be subject to examination until Spring 2014. Accordingly, while the emerging plan is a material consideration, it is one that attracts limited weight. Thus while there would be some conflict with emerging Policy EN2 this warrants limited weight. Other emerging plan policies have been referred to but I have found no conflict with these.

⁵ Appeal Decision Ref: APP/N2345/A/12/2182325

24. The appeal site is not a brownfield site but the proposed development would not lead to a loss of the highest value agricultural land and Core Strategy Policy 1 refers to the requirement for the release of some greenfield land for development on the fringes of the main urban areas. The Parish Council notes that there are limited opportunities for employment in the area but Longridge is identified in the Core Strategy as a Key Service Centre that is suitable for growth. There are good public transport links and this, together with other provisions such as a Travel Plan for the development would limit the use of the private car.
25. The appellant has submitted a Flood Risk Assessment that indicates the appeal site is in Flood Zone 1 as defined by the Environment Agency, which means there is little risk of flooding. Nevertheless, local residents have expressed concerns about flooding and the capacity of the local drainage system and I saw some areas of standing water on my site visit. The scheme includes measures for dealing with drainage including balancing ponds and a pumping station and I am content that satisfactory details of surface water drainage systems can be controlled by the imposition of suitable conditions. The Environment Agency and United Utilities have advised that the proposed development would not result in an unacceptable increase in the level of flood risk and, on the basis of the evidence before me, I agree with that conclusion.
26. There are other proposals for residential development in the area and while Lancashire County Council has indicated that not all of the required school places arising from these developments would be available, they also confirmed there would be sufficient capacity to accommodate the demand from this scheme. I understand the other schemes referred to have yet to receive planning permission or include provisions for addressing any shortfall in places and so conclude there would be no adverse impact from this proposal in terms of education provision.

Balancing Exercise

27. There is not a five-year supply of deliverable housing sites and in accordance with the Framework I shall therefore consider whether the proposal represents sustainable development and 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. The Framework aims to boost significantly the supply of housing, paragraph 6 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. I have considered the three dimensions of sustainable development, environmental, economic and social, as set out in the Framework.
28. The proposal would help meet the shortfall in housing land supply, contributing to the quality and choice of housing and providing market and affordable housing and this matter warrants substantial weight. There would be no significant detrimental effect on highway safety or the free flow of traffic and the achievement of Level 3 rather than Level 4 of the Code for Sustainable Homes, while regrettable, is in accord with the development plan. The adverse impacts of the proposal include the limited harm arising from the location of the site in terms of the AOS and some conflict with the development plan as

well as conflict with emerging policy, albeit that this is of limited weight. Other matters can be addressed satisfactorily or warrant little weight.

29. I therefore conclude any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits which are primarily the provision of market and affordable housing in an area where there is a substantial housing land supply deficit. Accordingly the appeal should be allowed.

Conditions

30. The Council and appellant have jointly suggested a number of conditions which were discussed at the Inquiry. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Details of materials to be used in the walls and roofs of the buildings and the areas of hardstanding are necessary in the interests of the appearance of the scheme and Level 3 of the Code for Sustainable Homes should be achieved to limit carbon emissions. A Travel Plan is required to support sustainable transport objectives and I agree some flexibility over the period of monitoring and updating is necessary as this will be determined in part by specific requirements and performance. Visibility splays are to be provided and maintained in the interests of highway safety.
31. A Construction and Environmental Management Plan is required to protect the living conditions of local residents, although I see no need for a reference to retained premises within the site. Parking spaces should be provided and retained in the interests of highway safety and the free flow of traffic and I see no reason to allow for flexibility in this matter. The approval of landscaping proposals and implementation of those proposals, as well as tree protection measures, are necessary to secure the appearance of the development and tree felling should be controlled to protect any birds not protected by other legislation. However, I see no need for a further condition requiring a tree and hedgerow removal strategy as the limited amount of removal required would be adequately controlled by other conditions.
32. I have combined the conditions suggested in respect of surface water drainage as discussed at the Inquiry. These provisions are necessary to control the risks of flooding and pollution. However, I have not seen compelling evidence that a condition to control foul drainage is necessary as this is a matter that can be satisfactorily dealt with by other legislation. It is possible that there has been some contamination of the site and a condition restricting work in the event that contamination is found is necessary to protect controlled waters. Subject to some modifications to aid clarity I shall impose these conditions.

Conclusion

33. I have had regard to all other matters raised but they are not sufficient to outweigh the considerations which have led me to my conclusion. For the reasons given above I conclude that the appeal should be allowed.

J M Trask

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton of Counsel

Instructed by Legal Services of Preston City Council

FOR THE APPELLANT:

Mr C Young of Counsel

Instructed by Mr B Greep of Peter Brett Associates LLP on behalf David Wilson Homes

He called

Mr B Greep BA(Hons)
BTP MRTPI
Mrs N Kane BA(Hons)
MSc TPP MRTPI MCI

Director, Peter Brett Associates LLP

Senior Associate, Peter Brett Associates LLP

INTERESTED PERSONS:

Mr R Swarbrick

Whittingham Countryside Campaign Group and local resident

Cllr D Hall

Whittingham Parish Council

Cllr L Smith

Preston City Council

Cllr K Hudson

Preston City Council

CORE DOCUMENTS - As listed in the Statements of Common Ground

INQUIRY DOCUMENTS

- 1 Proof of Evidence on behalf of the Council – Mr Cousins
- 2 Proof of Evidence on behalf of the Council – Mr Phillips
- 3 Proof of Evidence on behalf of the Council – Mr Glover
- 4 Proof of Evidence on behalf of the appellant – Mr Greep
- 5 Proof of Evidence on behalf of the appellant – Mrs Kane
- 6 Proof of Evidence on behalf of the appellant – Mr Furnival
- 7 Proof of Evidence on behalf of the appellant – Mr Waddingham
- 8 Proof of Evidence on behalf of the appellant - Mr Jones
- 9 Statement of Common Ground – Planning Policy Matters
- 10 Statement of Common Ground – Viability
- 11 Statement of Common Ground – Highways
- 12 Rebuttal Proof – Mr Greep
- 13 Rebuttal Proof – Mr Waddingham
- 14 Rebuttal Proof – Mr Jones
- 15 Additional Viability Analysis/Appraisal submitted by the appellant
- 16 Revised Viability Appraisal submitted by the Council
- 17 Summary of viability appraisals submitted by the Council
- 18 Note on Affordable Housing submitted by the Council
- 19 Revised assessment of Cottam Hall gross development value submitted by the Council
- 20 A- Mr Glover's Speaking Note

- B- Mr Glover's Appraisal Summary Table
- C, D and E - Mr Glover's Appraisal Summaries for 30%, 25% and 20% affordable housing
- 21 A, B, C, D - Development Appraisals submitted by the appellant dated 18 December 2013
- 22 Submission by Cllr Hall
- 23 Submission by Cllr Hudson
- 24 Submission by Cllr Smith
- 25 Submission by Mr Swarbrick
- 26 Addendum Statement of Common Ground and revised Development Appraisal 18 December 2013
- 27 Community Infrastructure Levy Regulations 2010, Compliance Note submitted by the Council
- 28 Council's Position Statement for Appeal Ref APP/N2345/A/13/2202762 (Fox)
- 29 Not used
- 30 Approved Judgement in Hallam Land Management Limited v SoSCLG and PCC (2013) QBD
- 31 Draft Proposals Map (partially superseded)
- 32 Extract from earlier application for development on the Fox site submitted by Cllr Hudson
- 33 Draft S106 Agreement and associated Drawings
- 34 Email dated 15 December 2013 enclosing viability summary of 22 April 2013
- 35 Note by Nicola Kane dated 18 December 2013 - Off Site Transport Contributions
- 36 Financial Viability Appraisal - April 2013
- 37 Closing submissions on behalf of the appellant
- 38 Development appraisal 20 December 2013
- 39 S106 Agreement dated 10 January 2014

Richborough Estates

Schedule of Conditions: 1 to 14
Appeal Ref: APP/N2345/A/13/2200445
Application Ref 06/2012/0544

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except as required by condition the development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Application Location Plan Drawing no. DWH023-LP
Layout Drawing DWH-023-01 Revision X (to be updated following inquiry)
Site access proposal Drawing Number 25939/SK/022
Proposed Off-Site Sustainable Transport and Infrastructure Improvements Drawing Number 25939/SK/019
Landscape Proposals Masterplan (February 2013)
900mm High Bowtop Railings Drawing no. SDD/23
1800 Close Boarded Timber Fence Drawing no. EXT WKS 07
1800 Privacy Gate Detail Drawing no. EXT WKS 08
2000 Close Boarded Timber Fence Drawing no. EXT WKS 2000CBF
1800 Brick Screen Wall Vibro Spec Drawing no. EXT WKS 06v
House Type: H411---5 Planning 1 of 2 Revision D
House Type: H411---5 Planning 2 of 2 Revision H
House Type: SH37---5 Planning Floor Plans Trad Opt. Revision B
House Type: SH37---5 Planning Floor Plans Trad Opt.
House Type: SH17---5 Planning Floor Plans Trad Opt. Revision B
House Type: SH17---5 Planning Floor Plans Trad Opt.
House Type: S341 NWDS Planning 1 of 2 Revision F
House Type: S341 NWDS Planning 2 of 2 Revision I
House Type: P382-IB5 Planning Revision G
House Type: H534---5 Planning Sheet 1 of 2 Revision C
House Type: H534---5 Planning Sheet 2 of 2 Revision D
House Type: H526 Planning Sheet 1 of 2 Revision 08
House Type: H526 Planning Sheet 2 of 2 Revision 08
House Type: H500---5 Planning 1 of 2 Revision D
House Type: H500---5 Planning 2 of 2 Revision I
House Type: H469---5 Planning 1 of 2 Revision E
House Type: H469---5 Planning 2 of 2 Revision H
House Type: H433---5 Planning 1 of 2 Revision G
House Type: H433---5 Planning 2 of 2 Revision I
House Type: H421---5 Planning 1 of 2 Revision D
House Type: H421---5 Planning 2 of 2 Revision F
Garage Type G102 Revision E
Garage Type G203 Revision B

- 3) Notwithstanding any description of materials used in the application, no development shall take place until precise details of the materials to be used in the construction of the walls and roofs of the buildings and the hardstanding areas hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby approved shall achieve a minimum level three star sustainability rating under the Code for Sustainable Homes. Prior to the commencement of development a design stage report for the

development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved design stage report. A post construction review report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

- 5) Prior to the occupation of the first dwelling a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives and targets in the application documents that relate to the site, together with appropriate initiatives to achieve and maintain the agreed targets. Implementation timescales and a monitoring schedule should be included. A travel plan co-ordinator should be in post prior to first occupation and remain until five years after final completion of the development. The approved plan will be monitored and updated over a period to be agreed, and the initiatives contained within the approved plan shall be carried out in full.
- 6) The visibility splays as per PBA drawing 25939/SK/022 dated 22 November 2012 shall be provided as a minimum of 2.4mx52m to the west and 2.4m x56m to the east and no structure or erection shall be placed within the visibility splays.
- 7) Prior to the commencement of development on each parcel a Construction Strategy and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Strategy shall set out the timetable for the development and any other major works including site clearance and demolition, building works, public open space, landscaping, highway works, utility works and access arrangements for existing premises in the vicinity of the site. The Environmental Management Plan shall include details of the strategy, standards, control measures and monitoring procedures to manage any environmental effects of the construction process and shall include:
 - a) hours of working and access;
 - b) access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel measures for construction workers;
 - c) site layout and appearance, including measures for managing visual impacts during demolition and construction;
 - d) site security arrangements, including hoardings and other means of enclosure;
 - e) health and safety;
 - f) piling methods (if used);
 - g) demolition techniques;
 - h) measures to control dust;
 - i) details of service access to retained premises adjoining the development site, including the hours during which access will be available;
 - j) details of the means of storage, disposal and removal of spoil and waste arising from the excavation or construction works; and
 - k) measures to control noise.

The development shall thereafter only be carried out in accordance with the approved Construction Strategy and Environmental Management Plan.

- 8) Prior to the first occupation of any dwelling, the parking provision associated with that dwelling and indicated on the approved plans shall be provided and thereafter retained in full.
- 9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development as well as details of boundary treatments.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the buildings hereby approved or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 11) No development shall be commenced until details of the means of protecting trees and hedges including root structure from injury or damage prior to or during the development works have been submitted to and approved by the Local Planning Authority. Such protection measures shall be implemented before any works are carried out, and retained during building operations and furthermore, no excavation, site works, trenches or channels shall be cut or laid or soil, waste or other materials deposited so as to cause damage or injury to the root structure of the trees or hedges.
- 12) There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development site or off-site habitat creation areas, between March and August inclusive, unless the absence of nesting birds has previously been confirmed by further surveys or inspections and approved in writing by the Local Planning Authority.
- 13) Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of surface waters, including any necessary infrastructure, based on the drainage principles outlined in the Flood Risk Assessment & Drainage Strategy submitted with the application, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.
- 14) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented in accordance with the approved details.