
Appeal Decision

Site visit made on 20 April 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/W0530/W/16/3165562

Land including and at the rear of 130 Middle Watch, Swavesey, Cambridge CB24 4RP

- 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 Swavesey Ventures Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/1605/16/OL, dated 17 June 2016, was refused by notice dated 10 November 2016.
 - The development proposed is the development of up to 70 dwellings comprising 42 market and 28 affordable units, public open space, children's play area, associated landscaping and new access.
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Decision

1. The appeal is allowed and planning permission is granted for the development of up to 70 dwellings comprising 42 market and 28 affordable units, public open space, children's play area, associated landscaping and new access at land including and at the rear of 130 Middle Watch, Swavesey, Cambridge CB24 4RP in accordance with the terms of the application, Ref S/1605/16/OL, dated 17 June 2016, subject to the conditions set out in the Annex hereto.

Application for costs

2. An application for costs was made by Swavesey Ventures Ltd against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application subject to appeal is in outline with all matters reserved except for access. It is supported by a planning obligation dated 13 March 2017. This takes the form of an agreement, freely entered into, by the relevant parties, namely the Council, the Cambridgeshire County Council, landowners, a mortgage company and the appellant.
4. In the light of further correspondence from the Council commencing 31 March 2017, the appellant requested extra time to insert a deed of variation and was allowed until 5 May 2017 for the relevant formalities to be completed. The obligation was duly varied within the timescale specified.
5. The varied obligation provides primarily for additional monies sought by the County Council, through the local planning authority, subsequent to its original

agreement, for the expansion of Swavesey Village College. The County Council cites a change of circumstances in justification of the increase in the secondary education contribution from £110,510 to £236,159 i.e. an extra £125,649.

6. The appellant company disputes the rationale and justification for this, but accedes to the variation sought in order not to compromise, potentially, its position in the event that I consider the action of the County Council and the Council to be justified. The deed contains a so-called "blue pencil clause"¹ in the event that I do not.
7. Later on in the month of May the Council realised that the original agreement contained no mechanism for guaranteeing payment of the of the £15,000 Children's Play Space Contribution provided for and the upshot of that was the submission of a Second Deed of Variation dated 25 May 2017.
8. One consequence of these changes has been to delay the issue of my final decision as other commitments have intervened to take priority.
9. In brief detail the planning obligation in its finally amended form provides for a scheme of affordable housing to be distributed across the development without undue clustering in one location, the provision of a Local Equipped Area of Play with parallel provision for Local Areas of Play or On-Site public space as required at reserved matters stage and financial contributions to monitoring of the agreement, household waste receptacle arrangements, healthcare, sports facilities, community facilities, secondary education, early years and primary education, libraries and lifelong learning and transport. Provision is also made for the maintenance of sustainable urban drainage.
10. A Statement of Common Ground (SoCG), dated 2 March 2017, was agreed between the appellant, the South Cambridgeshire District Council ('the Council') and the Cambridgeshire County Council ('the County Council'). Amongst other things, this confirms the agreement between the Council and the appellant that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework ('the Framework') is engaged because the Council is unable to demonstrate a supply of deliverable housing land sufficient to meet its objectively assessed needs.

Main Issue

11. The main issue is the potential impact of the proposed development on the social and physical infrastructure of Swavesey with regard to primary and secondary education, primary health care, traffic generation and sewerage and whether, in the light of that potential impact, it represents sustainable development for the purposes of the National Planning Policy Framework.

Reasons

12. The appeal site lies a short distance south of the centre of the linear settlement which stretches southwards from Church End and Amen Corner along a spine road comprising Station Road, High Street, Middle Watch and its continuation southwards known as Boxworth End. Significant suburban development has over time expanded the village, primarily to the west of the spine road to form a swathe of development including the Swavesey Village College. The proposal is essentially for a housing estate of similar depth to the development

¹ Alternatively referred to by the appellant as a "red pen clause".

associated with Whitton Close immediately to the north and the access from the spine road would be achieved by demolition of 130 Middle Watch. The site is a greenfield site largely cleared of scrubby vegetation but bordered by hedgerows. A neighbouring field to the south of similar depth already has planning permission for 30 dwellings. It is common ground that the site is largely outside the Swavesey Development Framework Boundary.²

Policy background

13. Relevant policy is contained within the NPPF and the development plan, as set out in the SoCG. The policies of the development plan have statutory force whereas those in the NPPF are material considerations, albeit powerfully influential. Although a Group Village under policy ST/6 of the Council's 2007 Core Strategy, the lack of objection to the re-designation of Swavesey as a Minor Rural Centre under policy S/9 of the emerging South Cambridgeshire Local Plan means that some weight may be accorded to the latter, which limits residential schemes normally to 30 dwellings in such centres. Moreover, policy ST/6 clearly is a relevant policy for the supply of housing, specifically, and therefore within the definition of such engaged by the Supreme Court's recent ruling.³ It is common ground that the Council cannot currently demonstrate a five year supply of housing and in those circumstances such policies should not be considered up-to-date for the purposes of paragraph 49 of the NPPF, thereby engaging the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. This is an outcome previously identified as common ground in any event.
14. The planning officer's analysis⁴ of the development plan background holds good in that whilst some weight is due to existing policies which would tend to limit the supply of housing to be accommodated in Swavesey this is largely a matter of principle in terms of housing numbers rather than substantive conflict with environmental policies to restrict development at the village margins and I have no evidence that the "Grade 3" land referred to is within sub-grade 3a and hence best and most versatile. The core strategy policy for development in Group Villages limits dwellings to schemes of up to 8 or, exceptionally, 15 dwellings on brownfield sites but the ongoing and uncontested intention to raise the status of the village significantly reduces the weight I accord to that intention and of more immediate relevance, by analogy, in current circumstances is the existing core strategy policy ST/5 which normally limits development in Minor Rural Centres to schemes of up to 30 dwellings, a threshold proposed to be retained in the emerging Local Plan policy S/9. However, that threshold is noted by the Council as "indicative" and paragraph 47 of the officer's report is clear that within the context of the lack of a five year housing land supply sites *"on the edges of these locations generally and Swavesey specifically, can, in principle, accommodate more than the indicative maximum of 30 units and still achieve the definition of sustainable development due to the level of services and facilities provided in these villages."*
15. It is very clear from the SoCG that, subject to mitigation through appropriate financial contributions, that conclusion holds good in respect of this proposed

² SoCG paragraph 3.2

³ *Suffolk Coastal District v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East borough Council* [2017] UKSC 37

⁴ As set out in the committee report dated 02 November 2016

development, with no in-principle objections from relevant consultees concerning education, highways, sewerage or any other services or facilities, whether considered on its own or cumulatively with others. In the absence of cogent evidence to the contrary I conclude that the conflict with the existing suite of existing and emerging development plan policies, notably DP7 of the LDF Development Control Policies DPD, which seeks to protect countryside (and its equivalent S/7 of the emerging plan) is limited in this instance in terms of the harm it would actually give rise to. Although the DPD policy continues to merit the weight of the development plan, bearing in mind in this context that recognition of the intrinsic character and beauty of the countryside is a core principle of the Framework, the conflict with it that would arise here as a consequence of incursion in to the countryside around the village would in reality be quite limited. It is against that background that the main issue falls to be considered.

The Main Issue

16. I have previously noted that it common ground that the presumption in favour of sustainable development is engaged, applying the so-called 'tilted balance' of considerations, and that conclusion continues to hold good. The Council raises no objections in respect of the environmental consequences of the proposed development and that is a stance I have no reason to demur from. Moreover, I agree with the Council's analysis that no harm would be caused to the setting of the listed buildings some distance to the north of the site or indeed the setting of the Swavesey Conservation Area. Further, I have no reason to consider the significance of any of these heritage assets would be harmed. As there are no policies in the Framework which indicate that development should in this case be restricted, the application of the necessary question of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies of the Framework taken as a whole, primarily revolves around the main issue of the potential impact of the development on the social and physical infrastructure of the village.
17. A primary function of planning obligations, as a matter of policy,⁵ is to facilitate necessary mitigation, generally through financial provision, of the impacts of development on local services and facilities in a manner that is proportionate and directly related to the development proposed and it is also a formal requirement of the Community Infrastructure Regulations 2010⁶ that the tests embodied within them in those respects are satisfied.
18. In this instance, the planning officer's recommendation of approval was contingent upon the completion of a planning obligation and the obligation in its original form was duly completed on 13 March 2017 in anticipation of this appeal decision. Inter alia this provides for the £110,510 originally calculated as the sum required to mitigate impact on secondary education facilities in the locality. Although the precise number of school children to generated by any particular development can never be predicted with precision, in the interests of identifying a per child contribution, it is standard practice to make reasonable estimates based on experience and that appears to have been the case here, the sum provided for not being too far adrift from the £90,000 that would be required on the basis of the County Council's estimate that £750,000

⁵ NPPF paragraph 204

⁶ Regulation 122

would be required to expand Swavesey Village College by 150 places.⁷ This equates to £5,000 per additional pupil and on the basis that 18 additional pupils are reasonably estimated from the development in question the sum provided for seems to me within an acceptable margin of variation of perhaps 4 more pupils than currently anticipated.

19. In short, the sum provided for in the obligation as originally completed on 13 March 2017 (i.e. £110,510) is in my view fairly and reasonably related in scale and kind to the development. It is, moreover, directly related to it and, owing to the potential impact on Swavesey College, necessary to make it the development acceptable in planning terms. It therefore complies with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 and I accord it weight.
20. The same cannot be said, however, of the £236,159 provided for in the First Deed of Variation dated 3 May 2017. The rationale for more than doubling the Secondary Education Contribution, an action which far exceeds the reasonable expectation of some variance from estimated pupil numbers, seems to me to be derived primarily from a realisation that a change in the finance anticipated from the maximum of five obligations eligible to contribute under the terms of Regulation 123 of the Community Infrastructure Regulations 2010, as a consequence of an appeal being lodged at Boxworth End, Swavesey (an inherently uncertain process) would leave a potential funding shortfall in circumstances where the County Council has already forward funded the relevant project. The details of this are principally embodied within the County Council's statement of 31 March 2017 (prepared after the original obligation was entered into in anticipation of this appeal)⁸ and the appellant's letter to the Planning Inspectorate of 4 May 2017 with the First Deed of variation enclosed.
21. Quite apart from the highly questionable practice of more or less immediately seeking to fundamentally alter the terms of an agreement freely entered into in response to circumstances over which the appellant has no control, it seems to me that the net result would be to place a disproportionate burden of funding in respect of secondary education on the development subject to appeal and I therefore have no hesitation in concluding that the First Deed of Variation would make the resultant financial provision in that regard non-compliant with the Community Infrastructure Regulations 2010. I therefore place no weight on that particular provision (as increased by the variation) in the determination of this appeal.
22. The other variations seem to me to be of a minor nature and relatively inconsequential in terms of the three tests set out in Regulation 122 and, bearing in mind the content of the SoCG, for the most part the provisions of the original obligation (as varied by paragraphs 1.2 and 2 of Appendix 1 to the Deed of Variation dated 3 May 2017 and the Second Deed of Variation dated 25 May 2017) are in my view compliant and may be accorded weight. The exception to that overall conclusion concerns the £3,000 "Monitoring Contribution".
23. Bearing in mind relevant case law⁹ and the relatively simple and commonplace nature of the obligation, I do not consider this particular financial provision

⁷ Appellant's letter of 4 May 2017

⁸ Sent with covering email trail to Planning Inspectorate on 4 April 2017

⁹ *Oxfordshire County Council v SSCLG & Others* [2015] EWHC 186 (Admin)

necessary to make the development acceptable in planning terms. It seems to me that such monitoring as would be required would fall within the purview of the routine administration of its area by the local planning authority. I therefore consider this aspect of the obligation fails to comply with Regulation 122 and, accordingly, I place no weight upon it.

24. Overall, however, given the substance of those aspects of the planning obligation that I do accord weight to, and the content of the SoCG, it would in my estimation not be possible to reasonably conclude that the Council's composite reason for refusal is, of itself, sustainable and I have no cogent evidence to suggest that there are any exceptional grounds for upholding it. In respect of the main issue no case has been persuasively put. The Council's statement is not borne out by the content of the SoCG, from which it is clear that the potential impact of the proposed development on the social and physical infrastructure of Swavesey with regard to primary and secondary education, primary health care, traffic generation and sewerage can be accommodated without undue harm. I return to the question of whether the proposal represents sustainable development in my overall conclusion.

Other Matters

25. Concerns raised by third parties in addition to those encompassed by the main issue would largely be addressed by the imposition of conditions such as those suggested by the Council. I am satisfied that although the private views across the site currently enjoyed by surrounding residents would be altered by the development of the proposed houses, an acceptable standard of residential amenity for those residents is capable of being maintained in the context of detailed design at reserved matters stage. A particular concern has been raised by the occupier of 124 Middle Watch but I was able to visit that property. As a consequence of the proposed demolition of 130 Middle Watch, I consider that there will, in principle, be adequate scope to accommodate the proposed access to the site without unacceptable detriment to the living conditions of occupiers of that property and others on Middle Watch. The precise means of securing the boundary of the site in this location and protecting the amenity of adjacent residents would be a matter of important detail to be addressed by the Council at reserved matters stage. Potential damage to existing boundary structures outside the site boundary is a private matter of liability for the developer.

Conditions

26. The Council suggests a comprehensive suite of conditions to define and time limit any permission granted and to secure satisfactory outcomes across a wide range of matters including, tree protection, potential contamination, drainage and flooding, energy conservation, off-site works in the highway, housing mix, highway safety, sustainable travel, construction management, noise mitigation, waste disposal, lighting, fire protection, biodiversity and archaeology.
27. I have reviewed the conditions with the advice of the Planning Practice Guidance in mind and, subject to some minor changes in wording (including expression in the negative or 'Grampian' form where necessary), I am satisfied that the suggested conditions would be appropriately imposed. Given the need to deliver housing quickly, the suggested conditions imposing a tighter timescale than the usual three years for outline permissions is justified in this case. It is necessary to define the permission by reference to the location and

access plans approved and by limiting the number of dwellings to a maximum of 70.

Overall Conclusion

28. The NPPF defines sustainable development by reference to its three dimensions – economic, social and environmental and by reference to the policies in the Framework taken as a whole. This includes an imperative to significantly boost the supply of housing and the economic advantages of that are well established and understood. Moreover, the social benefits of increasing housing supply are significant, including in this case the affordable housing that would be delivered across the development. Subject to the imposition of the conditions suggested by the Council, there would be no unacceptable environmental consequences.
29. I find that there is no cogent evidence to substantiate the Council's assertion that the proposed development would be rendered unsustainable by reason of impact on services and infrastructure, cumulative or otherwise. On the contrary, the obligation that has been entered into makes appropriate provision in mitigation of such impact. Therefore it would not be contrary to policy DP/1 of its Local Development Framework which, inter alia, requires development to contribute to the creation of mixed and socially inclusive communities and provide for the health, education, recreation, community services and facilities and social needs of all sections of the community.
30. As I have noted, there is some conflict with aspects of the development plan which aim to protect the countryside outside the limits of settlements and limit housing development in settlements according to the hierarchy set out in the Core Strategy. However, the weight I accord to that conflict is reduced by the fact that relevant policies for the supply of housing are acknowledged to be out-of-date thereby engaging the powerful material consideration of the 'tilted balance' of the presumption in favour of sustainable development set out in paragraph 14 of the Framework and, in this instance, for the reasons I have given, it is very clear that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. On that basis, given that there are no specific policies in the Framework that indicate that development in this instance should be restricted, the proposed development clearly is sustainable and I therefore conclude that the appeal should be allowed.

Keith Manning

Inspector

Annex: Schedule of conditions

1. Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from

the date of this permission.

3. The development hereby permitted shall begin not later than the expiration of two 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 location plan CSA/2678/108 and proposed access junction 1505-51 PL01 A and the number of dwellings constructed shall not exceed 70.

5. The landscaping details required to be submitted with a reserved matters application, in accordance with condition 1 of this planning permission, shall include indications of all existing trees and hedgerows on the land and details of any to be retained, which shall be in accordance with the tree survey submitted with the planning application. The details shall indicate the retention of the existing planting on the northern boundary, location of additional landscape planting on the southern and western boundaries of the site and shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. Development shall be carried out in accordance with the approved details.

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7. No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning authority following BS 5837. Such fencing shall be maintained during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

8. No development approved by this permission shall be commenced until:

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
- b) Detailed proposals for the removal, containment or otherwise

rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.

9. No development shall commence until a written strategy for the minimisation of noise, vibration and dust generation during the course of the construction of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify all anticipated sources of noise, vibration and dust and shall detail specific mitigation measures to ensure that the impact of each of these sources is fully contained within the site and does not have an adverse impact on the residential amenity of neighbouring properties. The construction of the development shall be carried out in accordance with the approved details.

10. No development shall commence until a scheme detailing the phasing programme for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The programme shall include details of the works to be completed in each phase, including the number of residential units and shall give timescales for the implementation of each phase and the overall development.

11. Prior to the commencement of any development, a detailed scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme for the scheme approved in writing by the Local Planning Authority.

12. No development shall commence until a scheme detailing how a minimum of 10% of the energy needs generated by the development shall be achieved through renewable energy sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels omitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The scheme shall be implemented in accordance with the approved details and shall be retained in operation as approved thereafter.

13. No development shall commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the drainage infrastructure to be installed and details of the capacity of the system. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development and retained as such thereafter.

14. No development shall commence until a noise impact assessment relating to the noise generated by the traffic on the A14 and Middle Watch has been submitted to and approved in writing by the Local Planning Authority. The assessment shall detail the methodology used to reach the conclusions made and shall detail any necessary mitigation measures. The approved mitigation measures shall be implemented in full prior to the occupation of any of the dwellings hereby approved. The mitigation measures shall be carried out in accordance with the approved details and shall be retained as such thereafter.

15. No development shall commence until details of a scheme for the upgrading of the bus shelters and the public footpaths adjacent to the site on Middle Watch have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby approved shall be occupied until the scheme has been implemented in accordance with the approved details.

16. No development shall commence until a Travel Plan for both occupants of the dwellings and visitors to the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

17. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) Contractors' access arrangements for vehicles, plant and personnel;
- ii) Contractors' site storage area(s) and compounds(s);
- iii) Parking for contractors' vehicles and contractors' personnel vehicles;

Construction work shall not be carried out other than in accordance with the approved details.

18. No development including demolition or enabling works shall take place until a Site Waste Management Plan for the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

19. No development including demolition or enabling works shall take place until a Waste Management Plan for the site once the dwellings are occupied has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in accordance with the approved details upon occupation of the first dwelling of the development and shall be retained as such thereafter.

20. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before any of the dwellings are occupied in accordance with the approved details and shall thereafter be retained.

21. During the period of demolition and construction, no power operated machinery shall be operated on the site or deliveries made to or taken from the site before 0800 hours and after 1800 hours on weekdays and before 0800 and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

22. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority. Any mitigation so approved shall be carried out in accordance with the approved details.

23. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

24. No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.

25. No development shall commence until details of the type and location of covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

26. None of the dwellings hereby approved shall be occupied until the highway works shown on drawing 1505-51 PL04 A and the visibility splays shown on drawing 1505-51 PL02 A have been implemented in full.

27. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented as approved.

28. No development shall commence until details of biodiversity enhancements (including bat and bird boxes) have been submitted

to and approved in writing by the Local Planning Authority. The details shall include a specification of the enhancements to be incorporated, scaled plans showing their location within the development site and details of how the features will be maintained. The approved biodiversity enhancements shall be implemented in full prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

29. No development shall commence until a fully detailed scaled construction plan of the vehicular access that will form the entrance to the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

30. The development shall be carried out and thereafter maintained in accordance with the mitigation measures detailed in the ecological survey submitted with the planning application.

31. No development shall commence until an updated survey recording badger activity on the site and assessing the potential impact of the development on the protected species has been submitted to and approved in writing by the Local Planning Authority. The survey shall detail any mitigation measures considered to be necessary and the stages in the development process that each of the mitigation measures should be implemented. The construction phase shall be carried out in accordance with the approved mitigation measures. Any permanently required mitigation measures shall be retained as such.

32. No development shall commence until a strategy for the disposal of waste water from the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of drainage infrastructure within the development and shall demonstrate that the capacity provided shall meet the requirements of the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

33. The housing mix within the market housing element of the development hereby approved shall be as follows:

- At least 30% 1 or 2 bedrooms in size
- At least 30% 3 bedrooms in size
- At least 30% 4 or more bedrooms in size.
- At least 4 bungalows shall be provided as part of the above housing mix.

34. The development shall be carried out in compliance with mitigation measures detailed in the approved revised flood risk assessment submitted with the planning application and shall be retained as such thereafter.

35. In the event of the foundations for any building or phase of the development requiring piling, prior to the commencement of

development of that building or phase, the applicant shall provide the Local Planning Authority with details of the type of piling and mitigation measures to be taken to protect local residents from noise and vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). The development shall then be carried out in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

36. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

37. No development shall commence until an electronic vehicle charging infrastructure strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location of charging points to be installed within the site and how the use of electric cars shall be promoted through the Travel Plan for the site. The strategy shall be carried implemented in accordance with the approved details and the infrastructure shall thereafter be retained as approved.

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