



Appeal Decision

Hearing held on 26 February 2014

Site visit made on 26 February 2014

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 24 March 2014

Appeal Ref: APP/H1840/A/13/2210895

Land off Dowling Drive, Pershore, Worcestershire WR10 3EF

- 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 Bloor Homes Western against the decision of Wychavon District Council.
 - The application Ref W13/01298/PN, dated 7 June 2013, was refused by notice dated 13 November 2013.
 - The development proposed is 22 dwellings plus associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for 22 dwellings plus associated works at Land off Dowling Drive, Pershore, Worcestershire WR10 3EF in accordance with the terms of the application, Ref W13/01298/PN, dated 7 June 2013, subject to the condition set out in the attached Schedule.

Procedural Matters

2. The original application was for 21 dwellings. However, as a result of discussions with the Council over the mix of housing, this was revised to 22, to include some smaller units. An alteration was also made to the proposals to incorporate a 1 metre footpath along the existing western part of Dowling Drive. The appellant's have set out that this was not, in their view, considered necessary but responded to the concerns of the planning officer. This then was the scheme that was consulted on, and on which the Council made their decision. I have considered the scheme on this basis.
3. During the course of the appeal, a further alteration was proposed, which would incorporate a continuation of the 1m footpath along the northern side of Dowling Drive to connect to the main arterial road around the neighbouring residential estate. The appellant confirmed that this is not offered as a formal change to the proposal, but could be incorporated through conditions, if felt appropriate and necessary.
4. Statements of Common Ground (SoCG) for both planning and highway matters were submitted to the Hearing, signed and dated 6 February and December respectively. A further SoCG on housing supply was also submitted, which was signed and dated 21 February 2014. On planning issues, these confirmed, among other matters, that the Council accepted there was a policy vacuum in the District regarding housing supply.
5. As a result, the Council accepted the principal of development on the site and that no weight arises against the scheme as a result of its location outside of the

development boundary for Pershore. They further accepted that Policy GD1 of the Wychavon District Local Plan (the Local Plan) carried no weight in their decision, and the site represents a relatively sustainable location, close to one of the larger settlements in the District.

6. A legal agreement, signed by the developers, land owner, District and County Councils, and dated 25 February 2014, was submitted under the provisions of the Town and Country Planning Act 1990. This was to address affordable housing provision and the Council's reason for refusal regarding contributions to facilities and services. I have considered this later in my decision.

Main Issue

7. Accordingly, I consider the main issue in this case to be the effect of the proposal on the highway safety of users of the road network, and Dowling Drive in particular.

Reasons

8. The appeal site is open ground to the west of Pershore cemetery. It is reported to have previously been a fish packing and distribution business, and a number of buildings and some machinery and vehicles remain on the site. Two detached properties are found to the east and south of the site, Cemetery Cottage and Trefeddian. The proposal would divide the field and develop that section nearest to the cemetery as an extension to the Abbey Springs development, which is a new residential estate nearing completion.
9. Vehicular access is proposed to be along Dowling Drive, which currently is a cul-de-sac serving 15 dwellings. While the dwellings appear to be mostly occupied, the road surface has not yet been completed. It currently terminates at a large turning head, which also forms the entrance to a small parking area for a number of the dwellings. Dowling Drive has no footways and a bend in the road from which there is access into Fleury Close.
10. The proposal would extend Dowling Drive through the current turning head, with a relatively straight stretch of road initially. The line of houses along Dowling Drive would also be extended on a similar line, with driveways directly onto the new access road. This road would then terminate in a turning head to the south, with a number of smaller accesses or driveways leading to parking areas for the proposed new houses. The new access road would have footways to either side and some localised narrowing for speed control purposes is proposed.
11. Worcestershire County Council, the Highway Authority, objected to the proposal and were represented at the Hearing. Their concerns centred on the compliance of the proposed access road to the County Council Highway Design Guide (the HDG).
12. Dowling Drive, in its current form, was noted as being below the expected standard set out for 'Mews and Lanes', which are considered in the guide to serve up to 25 dwellings. This related to the width of the service strips, which the HDG indicates should be 2m, but on agreement with the Highway Authority, are at 1m. The Highway Authority confirm that they had agreed to this relaxation because of assurances that the cul-de-sac would only provide access to 15 dwellings, and increased width service strips would compromise the estate layout.

13. The addition of 22 further dwellings is considered by the Highway Authority to compromise road safety unacceptably. They suggest that, if it had been included as part of the original estate, they would have sought a road design in accordance with their 'Secondary Street' guidance, for up to 100 dwellings, which recommends a 4.8m width with 2m defined footways and increased centre line radius on the bends. As a result, it was argued that the extended straight, lack of footway to the housing side of the road and lack of visibility around the bend and at the new access, created through the alteration to the current turning head, would create an environment unsuitable as a shared surface and would therefore serve to reduce safety.
14. These concerns were reiterated in reports from local residents of difficulties regarding the existing layout. These included cars passing each other around the bend, cars parked on the road and some restriction in terms of visibilities on emerging from driveways. The proffered footways were not considered by the Highway Authority or by some local residents to be suitable. Concerns of the local Councillors also focussed on risks to pedestrians from additional cars using this road.
15. The road currently operates as a shared surface street, where specific street design, such as surfacing, lack of markings and geometry imply potential conflict in order to encourage lower speeds and induce caution, as well as removing the priority for vehicles. The appellant considers that the addition of these units would not make the street inherently unsuitable to continue as a shared surface, nor would it materially increase the highway safety risk.
16. It is accepted by the main parties that the proposed road layout does not comply with the HDG requirements for secondary streets. The HDG acknowledged in its introduction that it aims to reflect the latest guidance, including Manual for Streets (MfS), which itself dates from 2007. The Highway Authority confirmed that the principal advice taken from MfS was in relation to visibilities. However, there does appear to be some quite significant differences between the approaches to shared surfaces promoted in MfS and the HDG. Not least the updating of earlier guidance, which considered shared surface use for up to about 25 dwellings, with clear acknowledgment in MfS that this could be up to 100 dwellings, and later research¹ suggesting that even this should not be considered as an upper limit.
17. MfS guidance focuses on lightly trafficked streets and was a joint publication for the Department for Communities and Local Government and the Department for Transport. In 2010, MfS 2, – *a Wider Application of the Principles*, was introduced, also endorsed by the government. This is a companion guide that builds on the principles for application to busier streets and non-trunk roads. These documents promote a change in attitude to street design in such circumstances, which among other things, seeks to move away from strict hierarchies of roads based on flow or building numbers served, encouraging Highway Authorities to take a more flexible approach. These are highly respected publications to which I must attach weight.
18. MfS acknowledges that shared streets work well where speeds are kept low over short lengths, or where they form cul-de-sacs, where the volume of motor traffic is between 100 vehicles per hour (vph) and where parking takes place in designated areas. The Highway Authority refers to sections of MfS in relation to

¹ Local Transport Note 1/11, published by Department of Transport 2011

the justification for 2m footway widths, but these sections are not ones relating to the provision of shared surfaces and I note that paragraph 6.3.23 also advocates a variation in widths to take account of pedestrian volumes and composition.

19. Both the HDG and the MfS documents are nonetheless only guidance. The fact that a proposed street layout conflicts with one or complies with another, does not define whether it would be safe and it is necessary to consider them in the context local to the site. The appellant provided a Traffic Assessment, updated for the Hearing, which estimated the volumes of vehicles and pedestrians likely to arise from this scheme. Based as it was originally on 21 houses, this found a peak vehicular flow of 15 two-way trips in the morning peak and 16 in the afternoon peak period.
20. An assessment of the combined peak flow associated with 37 dwellings was put at 28 vph, some of which take access to Dowling Drive before the bend, or from Fleury Close, which is on the bend. These figures were not materially challenged by the Highway Authority, and fall well below flow figures considered acceptable for shared streets.
21. The appellant also carried out a speed survey. This was taken just beyond the bend and therefore presumably only considered speeds of cars passing to and from the parking area located off the turning head. Nonetheless, it does give indication of the speed of traffic approaching the bend currently. The recorded speeds of 11/13 mph were not challenged, and would accord with my own observation of the likely speeds associated with such a layout.
22. Turning first to the concerns regarding the existing function of the road. Without the top course of paving, the road lacks some of the features that would promote the type of driver response sought in a shared surface environment. Furthermore, the fact that near misses are perceived to be a risk at low speeds is not necessarily a disadvantage of the scheme, as it is this that promotes care and caution and keeps speeds low. Nonetheless, I accept that there are reported to have been some minor incidents, and I can fully understand that further traffic would be perceived as increasing the risk of further occurrences.
23. It is necessary to consider whether the proposed design can be considered to materially and unacceptably increase the risks, both to cars and to pedestrians. Considering vehicles, at the current speeds, I do not consider that the radius of the bend would lead to increased safety risks, even with the small increase in traffic that this proposal represents. I drove the road a number of times; the visibility at the bend is sufficient at low speeds to allow a choice to pass or wait if two cars should meet, and there is sufficient width, if appropriate care is taken, to pass. This forms a natural speed reduction measure in the road layout. Increased flows may increase very slightly the number of times two cars could meet, but this would not be a significant change in circumstances.
24. Similarly, the exit onto the road from the relatively long drives leading to the garages for the properties on, and immediately after the bend, requires care. Speeds are not such that there is a significant risk of injury or accident, and while the driveway to the south has some obstruction to visibility, reversing in is the practical and sensible option, and risks would remain low even with the slight increase in traffic, provided speeds remain low.
25. I note the Highway Authority concern that the conversion of the turning head to a junction would also introduce a new access onto a road with a somewhat reduced

visibility for approaching vehicles from the left. The junction would be particularly wide and vehicles approaching from the minor arm would have an option of using that width to improve visibility. In any case, it serves only five households, and with overall volumes relatively low I do not see this as a particular issue in this case. MfS 2 has highlighted that a reduced 'X' distance can apply in slow speed situations and low flows, and that a reduction in 'Y' distance will not necessarily lead to a significant problem.

26. The principal issue, in my view, is whether the proposed extension to Dowling Drive would alter the speeds of cars here. Generally stretches of up to 70m in a shared surface environment result in speeds being kept at or below 20 mph. The existing presence of drives onto the road would limit speeds somewhat as would the overall width of the road, but there would be a forward visibility of up to approximately 150m from the bend to the slight curve in the proposed access road within the new part of the estate. To my mind, if uncontrolled, this could encourage an increase in speed for cars approaching the existing section of road and the bend.
27. However, the proposed design incorporates width restriction. Furthermore, while I note that vertical speed calming measures are not generally accepted by the Highway Authority for adoption, there are level changes present across the existing site, where the principal arterial road leads into the side cul-de-sacs. Such level, colour and surface changes, particularly when combined with width restriction, which MfS confirms has a noticeable effect on reducing speed, could manage speeds here, and could be the subject of conditions.
28. Turning to pedestrians, the concerns focus on whether the use of the road as a shared space, or crossing the road to reach the proposed footway to the west, would be safe with the increase in vehicular numbers. During the site visit, and during the periods when I observed traffic at the site, it was clear that the number of vehicles using this part of the estate is extremely low. The addition of 15 or 20 two-way movements during peak periods must be put in this context, and I see no material increase in risk for pedestrians crossing from the existing houses or the footway for the new stretch of road, to the proposed footway along the western side of the existing road.
29. The appellant suggests that pedestrian numbers would be very low and would have the option of taking alternate routes towards the town or bus stops on Three Springs Road. Cemetery Lane, which would be accessible from the proposed houses, but separated by bollards to prevent vehicular use, would offer an alternate route, as would a walk through the cemetery itself. This may not be an attractive route at night, for instance, but it still offers an alternative. To my mind, the route through Fleury Close offers little benefits.
30. In fact, vehicle numbers would be sufficiently low that I see no particular risk to pedestrians in their continued shared use of the road surface, subject to appropriate speed control measures. However, I do consider that the inclusion of a footway to the western side would provide the option of refuge in the circumstances of cars meeting at the bend, when the driver focus may be diverted from pedestrians. In such cases, while I consider this would be likely to be of a very low occurrence, nonetheless, I consider that the 1m footway, included within the scheme considered by the Council, would be appropriate to remain within the scheme. Good inter-visibility would be available for pedestrians and vehicles along Dowling Drive from Fleury Close to Desjardins Way, and I see no particular

reason for further footways here, with the service strip and driveways offering refuge areas if needed.

31. In conclusion, I accept there will be a small increase in traffic using this very lightly trafficked area. The current road layout does lead to some minor conflict and overlap between pedestrian and vehicular use, which in part serves to reinforce the shared surface nature of the road.
32. The appellant suggests that any harm would need to be severe, in terms of the National Planning Policy Framework (the Framework) approach set out in paragraph 32 of that document. I consider that while this deals with residual cumulative impacts, especially in relation to increased traffic congestion, the Framework requires that safe and suitable access can be achieved for all people, and that paragraph 35, although referring to plans, still seeks that development should be located and designed to create safe and secure layouts, which minimise conflicts. It is important to note that paragraph 35 acknowledges such layouts include home zones, which are generally shared surface layouts.
33. With proper speed management on the straight section of the new road proposed, and the proposed 1m footway to the western part of Dowling Drive, I consider that there would be no significant increase in risks to highway safety for either pedestrians or vehicles. The proposal would accord with national guidance on this matter and comply with Local Plan Policy GD2, which seeks efficient operation of the transport network. The Council also referred to Policy SWDP4 of the emerging South Worcestershire Development Plan (SWDP), which seeks that development accord with both MfS and the HDG. Such policies can carry only limited weight in light of their stage of preparation.

Other matters

34. I note local residents have raised some concerns regarding the impact on the character and appearance of the area, surface water drainage, the use of Cemetery Lane, the lack of a connection to the footpath to the south of the appeal site, issues regarding the existing footpath along Three Springs Road, and concerns over the management of contractors on the existing residential development.
35. The Council have accepted the site is well enclosed by the rising ridge of land to the west, and I concur. Although some previously open land would be lost, I consider that there would not be significant harm to the character and appearance of the area. I am satisfied that, subject to conditions, appropriate landscaping can be implemented to protect the character of the cemetery.
36. I understand that there is considerable concern over surface water drainage in the area, and note that the Council have accepted the appellant's drainage strategy in this case. The proposed extension of the cut-off drain along the western side of the development would transfer flows to the large attenuation pond in the centre of the existing site, where adequate capacity has been shown to be available. Surface water drainage from the proposed site itself would be restricted to below existing run-off rates and transferred to a separate sewer running south from the site and would avoid contributing to the sewer capacity concerns for Defford Road. It is my understanding that the developer is proposing to enhance this network through the provision of an overflow from the Defford Road sewer to the southern sewer to enhance this further.

37. As noted above, Cemetery Lane has been promoted as an alternative pedestrian route. I note concern from some residents that it would be used for vehicles, although also others who would like to see an alternative route to the proposed housing. The appellant suggests that the lane would be passed to the Town Council to assist with future extension of the cemetery. I am satisfied that the scheme does not promote the use of the lane for vehicular traffic. It currently provides an informal one-way system for hearses and the cortege during funerals and for access to Cemetery Cottage. I have dealt with the issue of pedestrian use above.
38. Connection to the footpath to the south of the site cannot be considered as a requirement for this scheme. I note some concerns over the width of sections of the footway alongside Three Springs Road. However, I do not consider this to be a significant impediment to access, or significantly unsafe for use by pedestrians, even along the short section near the cemetery where the speed limit is 50 mph, especially considering the limited additional number of pedestrians associated with this scheme.
39. Finally, issues over the completion of the conditional requirements on the existing development, or the management of construction for the existing estate are not matters before me. Matters related to the construction period for the scheme that is before me can be addressed, and I have considered the imposition of conditions to address construction management on this site, including the routing of construction vehicles, which I deal with below.

Planning Benefits

40. The appellant argues that the Council are unable to demonstrate a five year Housing Land Supply (HLS) for the area, and have referred me to appeals, including a recent appeal² at Offenham. In this case, the Council had argued they could demonstrate this and significant weight should therefore apply to their housing supply constraint policies, notably Policy GD1 of the Local Plan. The Inspector in the Offenham case found that the Council's arguments were not sufficient to convincingly demonstrate a five year HLS.
41. While the Council suggest that they have developed evidence beyond that presented in that specific appeal, they accepted, for the case before me, that there was a policy vacuum and Policy GD1 carried limited or no weight. They further acknowledged that development outside of the development boundaries in sustainable locations was necessary. They accepted, in the supplementary SoCG, that the weight to be attached to the provision of the proposed dwelling, in the context of the five year HLS, is significant.
42. I concur, the Framework seeks to significantly boost the supply of housing and this proposal would provide for open market and affordable housing. There is an acknowledged and pressing need for affordable housing in the area and this proposal would provide in excess of the current Local Plan requirements, albeit slightly less than those of the emerging SWDP. I consider moderate weight in favour of the scheme arises for the affordable housing provision.
43. In addition to these benefits, the SoCG acknowledges economic benefits associated with the construction period, future spend by residents and the New Homes Bonus.

² APP/H1840/A/13/2203924

Legal Agreement

44. The Council have accepted that the submitted legal undertaking would ensure appropriate provision of the affordable housing; I see no reason to disagree and find this to be in accordance with Local Plan Policy COM2. The agreement also addresses contributions and the provision of landscape management, and I have considered these matters in light of the Framework, paragraph 204, and the statutory tests introduced by Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010.
45. The agreement includes a clause referring to these tests and making the obligations conditional on a positive finding in relation to these. However, if an appellant submits an executed obligation then it has legal effect; it does not necessarily cease to have such simply by including a clause to that effect in the Deed. My assessment can only consider, on the evidence put before me, whether the obligation sought complies with the tests. If it doesn't, I can only conclude that I would be unable to take that element of the obligation into account in my assessment.
46. The Council refer to policies within the Local Plan that support contributions for relevant infrastructure, including Policy GD3, which relates to impacts on the community and the environment, as well as meeting the objectives of sustainable development, and Policy SR5, which promotes modes of sustainable travel.
47. On the evidence before me, I am satisfied that contributions required towards cycling strategy, education, built leisure facilities, off-site public open space, recycling and offsite formal sports are linked to specifically deliverable schemes and are necessary in light of the additional pressure brought through the development. They are all contributions that would comply with Local Plan policies, relevant Supplementary Planning Documents or Supplementary Planning Guidance (SPG), and would meet the tests.
48. The contribution for public art has no specific scheme, but relies on Local Plan Policy GD3 and the SPG – *Developer Contributions*. The Council's justification suggests that the art would be provided on the site. While the harm arising from the lack of art provision may be considered limited, the SPG seeks such provision to enrich the public realm and establish a sense of place. The contribution has been accepted by the appellant, and on balance I consider that it would comply with the tests.
49. The appellant has questioned the provision of a transport contribution, noting that there has been an appeal recently where it was not supported. Transport contributions are specifically referred to in the relevant policies and SPG, and I note that the previous appeal, although I do not have full details, was reported to have not been considered under the same policy framework.
50. Generally, housing schemes increase the levels of population and associated traffic on the wider road network. In this case, the Worcester Transport Strategy and the Worcestershire Local Transport Plan set out the strategy to respond to increased traffic growth. Schemes arising for these were identified in the wider area, including non-strategic highway links, key corridors, access to the rail network and to enhance the use of other transport modes. These are not specifically focussed on Pershore, nonetheless I am satisfied that the contribution to transport infrastructure would be necessary and is reasonably related to the scheme.

51. Finally I turn to the landscape management. Although partially addressed in the conditions for this proposal, the long term maintenance of on-site landscaping areas is an important element of the scheme. Overall, I consider that this obligation meets the requirements of the national policy and statutory tests, and I have taken it into account.

Conditions

52. I have considered the conditions put forward by the Council, the appellant and the Highway Authority against the requirements of the Planning Practice Guidance and the Framework. While the original suggested conditions may have been drawn up with consideration to Circular 03/99, which has now been superseded, having regard to the submissions put to me, I am satisfied that no party's interests will be prejudiced by my assessment of the acceptability of the proposed conditions against the Planning Practice Guidance.
53. The timescale condition restricts the start of the development to within 18 months (1). This has been accepted by the developer and emphasises the contribution the proposal would make towards the five year HLS. To protect the amenities of local residents, I have imposed conditions relating to submission of a construction environmental management plan (2). Some discussion at the Hearing concerned the routing of construction and site vehicles, which is specifically to be addressed in this plan.
54. The appellant has indicated that the vehicles can be routed to the site along routes other than Dowling Drive, which I consider would be beneficial for the living conditions of the local residents. To this end, I have required that this plan also sets out an agreed date for the opening of a vehicular and pedestrian connection between the existing Dowling Drive and the new access road into the appeal site. It is also necessary to control construction period operating hours specifically (22).
55. In the interests of the character and appearance of the estate, the cemetery and the surrounding area it is necessary to impose conditions to address landscaping and the protection of trees (3, 4, 5, 6, 7, 8, 9), materials (11), boundary treatments (12) and floor levels (13). To ensure the ecology of the area is protected, I have imposed a condition for a mitigation and enhancement scheme (10).
56. For reasons of highway safety, it is necessary to condition the engineering details of the proposed roads to reflect those currently on the estate and to provide appropriate speed control measures (14). Further highway matters area addressed through conditions for parking, during construction and for future residents (19, 20), restrictions on vehicular traffic on Cemetery Lane (21) and the installation of the off-site footway (26). To promote sustainable transport choices, I have required conditions relating to a Welcome Pack and to cycle parking (24, 25). To ensure satisfactory management of surface water, I have imposed relevant conditions (15, 16), and to protect the local environment, conditions relating to unidentified contamination (17, 18).
57. The Council sought a condition relating to measures to provide 20% of the energy requirement of the development from renewable energy. The appellant considered that this was unreasonable. This target is based on emerging policy, SWDP 27, which is accepted to be subject to objections. In absence of examination and testing of this policy, I can give it limited weight. Nonetheless,

the Framework does seek local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources. The emerging policy itself notes that this 20% target should apply to urban extensions and large-scale development proposals.

58. I consider that to meet such a percentage delivery on a relatively small extension to a mostly completed scheme would be onerous. Although I consider that the requirement to meet Code for Sustainable Homes Level 3, as suggested by the appellant, is not a particularly stretching target, it nonetheless provides a minimum level that could be set to ensure that the condition is sufficiently precise, while seeking to maximise the levels of energy and resource efficiency on the site (23).
59. Otherwise than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans (27). Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusions

60. I understand that local residents are concerned about the highway safety risks from the increased traffic associated with this proposal. It is important to note that the fact that a road layout does not meet a particular standard set out in guidance does not mean that the layout would be inherently unsafe, and it must be considered against all other relevant guidance, and particularly, in light of the specific circumstances of the site.
61. I accept that there would be an increase in traffic using the existing stretch of road along Dowling Drive. However, I do not find that there would be material harm to the highway safety of users of this road, which would be suitable to operate as a shared surface.
62. Furthermore, the Framework sets out a presumption in favour of sustainable development. Taking the benefits set out above, I consider that the scheme would positively address the economic, and social dimensions set out in the Framework as contributing to sustainable development. I am also satisfied that the ecology of the area would not be materially harmed by the proposal and that the housing proposed would be sustainably located, with a drainage system that would positively respond to climate change. Overall, I find this to be a sustainable development that accords with the development plan.
63. A number of national guidance documents have recently been superseded by the Planning Practice Guidance. The content of the guidance has been considered, but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Guy Wakefield BA (Hons) MRTPI	Planning Consultant – Hunter Page Planning
----------------------------------	--

Philip Jones Bsc (Hons) CEng, MICE, MCIHT, FIHIE	Highway Consultant - Phil Jones Associates
---	--

Nigel Millington BA (Hons) MSc, MCIHT, MRTPI	Highway Consultant - Phil Jones Associates
---	--

Steve MacPhearson	Bloor Homes
-------------------	-------------

Steve Roberts	Bloor Homes
---------------	-------------

FOR THE LOCAL PLANNING AUTHORITY:

Jonathon Edwards	Planning Officer - Wychavon District Council
------------------	--

Denise Duggan	Planning Policy Officer – Wychavon District Council
---------------	---

Gareth Jones	Development Control Engineer – Worcestershire County Council
--------------	--

INTERESTED PERSONS:

Councillor Brotheridge	District Councillor – Pershore
------------------------	--------------------------------

Councillor Wood	District and Town Councillor – Pershore
-----------------	---

Martina Pfau	Local Resident
--------------	----------------

Mr and Mrs Price	Local Residents
------------------	-----------------

Councillor Tucker	Mayor and Town Councillor - Pershore
-------------------	--------------------------------------

DOCUMENTS

- 1 SoCG Highways
- 2 S106 Legal Agreement
- 3 Phil Jones Associates - Traffic Survey 13 February 2014
- 4 Council's notification letter – 7 February 2014
- 5 Copy of SWDP Policy 27 and supporting text.

SCHEDULE A – CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.
- 2) Prior to the commencement of development a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific noise level targets and vibration levels at existing residential properties, the type of machinery to be used to meet these noise and vibration levels, hours of operation, methods of piling, traffic routes for construction traffic and site staff traffic, provision for wheel washing to ensure that dirt/mud on the existing roads is minimised and dust control measures. The plan shall also show how vehicular and pedestrian access to the appeal site from Dowling Drive shall be prevented, if required, during the construction period, and a timescale for when such access shall be made available. Development shall be carried out in accordance with the measures set out in the approved CEMP.
- 3) Prior to the commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas of the development shall be managed and maintained in perpetuity in accordance with the approved management plan.
- 4) Prior to the commencement of development full details of soft landscaping works including grassland hedgerow and habitat enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The details submitted must include:
 - i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.
- 5) Any trees or plants which, within a period of five years from the completion of the planting, 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 otherwise agreed in writing by the Local Planning Authority.

- 6) All existing trees and hedges on site, or branches from trees on adjacent land that overhang the site, unless indicated on the approved plan(s) to be removed, shall be retained and shall not be felled or pruned or otherwise removed within a period of five years from the completion of the development without the previous written consent of the Local Planning Authority.

- 7) Temporary fencing for the protection of all retained trees/hedges on site during development shall be erected, to a minimum height of 1.2 metres, below the outermost limit of the branch spread, or at a distance equal to half the height of the tree, whichever is the further from the tree.

Such fencing should be erected in accordance with BS 5837:2005, before any materials or machinery are brought onto site and before any demolition or development, including erection of site huts, is commenced.

This protective fencing shall be maintained on site until the completion of development, and nothing should be stored or placed, nor shall any ground levels be altered, within the fenced area without the previous written consent of the Local Planning Authority.

- 8) There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.
- 9) If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site as may be specified by the Local Planning Authority.
- 10) Prior to the commencement of the development hereby approved a detailed ecological mitigation and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of habitat creation / enhancement measures, bat roosting and bird nesting features, lighting information in relation to bat roosting and foraging habitat, suitable precautionary measures in respect of mammals and birds as well details of long term management. The scheme should also include an implementation timetable. The approved ecological mitigation and enhancement scheme shall thereafter be carried out in accordance with the approved details and implementation timetable.
- 11) Prior to the commencement of development details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by of the Local Planning Authority. The development shall be completed in accordance with the agreed details.
- 12) Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings hereby permitted are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13) Prior to the commencement of the development the precise floorslab levels of each new dwelling, relative to the existing development on the boundary

of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved floorslab levels.

- 14) Prior to the commencement of development the engineering details and specification of the proposed roads and highway drains shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 15) Prior to the commencement of development details of drainage and other facilities to be provided on site to deal with surface and foul water shall be submitted to the local planning authority for approval in writing. None of the dwellings shall be occupied until works for the disposal of foul and surface drainage have been provided on the site to serve the development hereby permitted, in accordance with the approved details.
- 16) Prior to the first use/occupation of the development hereby permitted, the details set out in the revised Drainage Strategy shown in the MJA Consulting drawing numbers 4815:P01 rev A and 4815:P03 shall be fully implemented and remain thereafter
- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

- 18) Prior to its importation, full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided in writing to the local planning authority for approval in writing. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validity evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

- 19) No construction of any part of the development shall begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be retained and kept available during construction of the development.

- 20) Prior to the first occupation of any dwelling to which this permission relates, an area for car parking shall be provided to serve that property in accordance with the approved plans and this area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This area shall not thereafter be used for any other purpose than the parking of vehicles.
- 21) No vehicular access onto or from the development hereby permitted shall be allowed along the track to the side of the cemetery, shown as part of the application site on the approved plans.
- 22) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
- 23) Notwithstanding the information submitted with the application and prior to the commencement of development hereby approved, the following details shall be submitted to the Local Planning Authority for approval in writing:-
 - i) details of measures to conserve and recycle water to be incorporated into the proposed development;
 - ii) details of energy efficiency measures to be incorporated into the proposed development; and
 - iii) details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials;
 - iv) details on how renewable energy measures are to be incorporated into the proposed development;
 - v) confirmation that the development will meet the requirements of Code for Sustainable Homes Level 3.

The approved measures shall be implemented and incorporated into the development in line with an implementation timetable to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.

- 24) Prior to the first occupation of any dwelling to which this permission relates details of a Welcome Pack that promotes sustainable travel for future residents shall be submitted to and approved in writing by the Local Planning Authority. This Welcome Pack shall be provided to all new occupants on the site in accordance with the approved details.
- 25) Prior to the first occupation of any dwelling hereby approved secure parking for two cycles, to comply with the Council's standards to serve one and two bedroom dwellings, and four cycle parking spaces to serve three and four bedroom dwellings, shall be provided within the curtilage of each dwelling, and these facilities shall thereafter be retained for the parking of cycles.
- 26) Prior to the first occupation of any dwelling to which this permission relates details regarding the pedestrian footway alongside the eastern section of Dowling Drive shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved plans.

- 27) The development hereby permitted shall be carried out in accordance with the following approved plans:- Site Red Edge (TE112 SRE-01 B), Planning Context (TE112 PC-01 C), Planning Layout (TE112 PL-01 K), Coloured Layout (TE112 PS-100 F), floor plan and elevation details 2B.ac-pl01 rev b, 3b.ac-pl01 rev b, 1b.ac-pl04 rev a, 1b.ac-pl03, f2.ac-pl01, e2.ac-pl01, b4.ac-pl03 rev a, b4.ac-pl01, g3.ac-pl02, g3.ac-pl01, a5.ac-pl02, a5.ac-pl01, c4.ac-pl01, d3.ac-pl02 rev b, d3.ac-pl01, d3.ac-pl04 rev b, d3.ac-pl03, sg.01.pl03, hogv1 pl01, ldg.01-pl01.

Richborough Estates