



Appeal Decision

Inquiry opened on 23 April 2014

Site visit made on 29 April 2014

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 12 June 2014

Appeal Ref: APP/N2345/A/13/2208445

Land off Ribblesdale Drive, Grimsargh, Preston, Lancashire

- 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 Wainhomes Developments Ltd against the decision of Preston City Council.
 - The application Ref 06/2013/0533, dated 11 July 2013, was refused by notice dated 4 November 2013.
 - The development proposed is the erection of up to 70 no. dwellings with new highway access, internal access road, landscaping and associated infrastructure.
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Procedural matters

1. The application was submitted in outline with matters of scale, layout, appearance and landscaping reserved for future determination, though an indicative layout was supplied and a number of details given in the Design and Access Statement.
2. A signed and dated S106 Unilateral Undertaking has been submitted by the appellant. This covers a highways contribution, an education contribution, provision of affordable housing units and provision of public open space. I return to these matters below.

Decision

3. The appeal is allowed and outline planning permission is granted for the erection of up to 70 no. dwellings with new highway access, internal access road, landscaping and associated infrastructure at land off Ribblesdale Drive, Grimsargh, Preston, Lancashire in accordance with the terms of the application, Ref 06/2013/0533, dated 11 July 2013, subject to the conditions in the attached schedule.

Main Issue

4. The main issue is whether this would be a suitable location for housing having regard to national and development plan policies in respect of sustainable development and the delivery of new housing.

Reasons

Suitable location for housing

5. The appeal site extends to around 4.5 hectares and is located on the southern edge of Grimsargh. From what I observed, as an open area of rough pasture, the appeal site shares its affinity with the countryside. This is borne out by the proposals map of the adopted Preston Local Plan within which the appeal site is identified as being open countryside.
6. The development plan includes the adopted Central Lancashire Core Strategy (CS) and the saved policies of the adopted Preston Local Plan. CS Policy 1 seeks to direct growth to defined urban centres, key service centres and named strategic sites. Limited growth will also be acceptable in some defined rural local service centres. In other places such as smaller villages like Grimsargh, development would typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes. In my judgement, this proposal would not fall into these categories and while no explanation is given for *exceptional reasons* in the policy or the explanatory text, to give it its ordinary meaning, I consider that the proposal, as a scheme in an undeveloped site, would not amount to redevelopment.
7. The appellant nevertheless argued that the proposal would bring about a range of benefits that would weigh in its favour as exceptional reasons. These are a lack of a 5 year housing land supply, stemming the trend of outward migration from the Preston area, delivering affordable housing and providing a large area of public open space. I shall deal with the matter of housing land supply immediately and return to the other matters in due course.

Housing land supply

8. It is common ground that the Council cannot demonstrate a 5 year supply of housing land for the purposes of National Planning Policy Framework (NPPF) paragraph 47. The parties disagree on the level of the under supply with the Council arguing a 3.15 year supply, and the appellant, 2.38. Regardless of which figure is correct or if the figure lies somewhere between the 2, it is clear that there is a significant under provision of housing, despite the claim that the Council has recently been moving "in the right direction" regarding the approval of planning permissions in the Preston urban area. In such circumstances, NPPF paragraph 49 directs that relevant policies for the supply of housing should not be considered up to date. It was agreed that CS Policy 1 is such a policy and must be considered out of date.
9. For the reasons outlined above, I consider that the proposal would conflict with CS Policy 1 and would conflict with policy objectives that seek to direct development to the most suitable locations. The weight to be given to this harm is reduced by the relevant policy being out of date by virtue of the lack of a 5 year housing land supply.

Area of Separation

10. The appeal site is a large field which lies to the east of the B6243 Longridge/Preston Road. It is bounded to the north and west by existing residential development. The illustrative layout shows a cul de sac development, roughly rectangular in shape that incorporates a large open space on its southern flank with boundary planting. It would be accessed from a spur off Ribblesdale Drive and would stretch from Carbis Avenue in the east, to the recently approved development behind the Vicarage on Preston Road in the west. A public footpath (FP5) is located to the south of the site and links the Roman Way Industrial Estate in the west with Elston Lane in the east. Another footpath (FP7) is located to the east of the site and runs along the urban edge formed by Crofts Drive.
11. CS Policy 19 seeks to protect the identity, local distinctiveness and green infrastructure of certain settlements by the designation of Areas of Separation (AoS) and Major Open Space, to ensure those places at greatest risk of merging are protected and environmental/open space resources are safeguarded. Grimsargh is identified as a settlement around which an AoS will be designated. The boundaries of the AoS will be fixed through Policy EN4 of the emerging Preston Local Plan 2012-26 (formerly the Site Allocations and Development Management Policies Development Plan Document) (LP). While the Council argued that as the appeal site comes up to the edge of the village it is likely to be included in the AoS, it is unclear from the AoS symbol within the plan as to whether or not the appeal site is to be included as part of the designation. In any event, as the LP is at the publication stage its soundness has not been independently tested and there have been objections to relevant policies. Therefore, it is of limited weight.
12. My attention was drawn to previous appeal decisions ref. APP/N2345/A/12/ 2182325 and APP/N2345/A/12/2201821. These concerned nearby developments at land north of The Hills, both of which were dismissed. However, these related to the narrowest part of the gap (around 120m) of the possible AoS between Grimsargh and Preston whereas this appeal site is situated at a wide area of gap (around 875m to the buildings in the industrial estate and around half that distance to the most northerly dwelling on the ribbon of development coming out of Preston on the B6243). They were therefore concerned with the most sensitive part of the possible AoS and for this reason I do not consider them to be comparable to this proposal.
13. The proposal under this appeal would narrow the existing gap with built development of around 80m. The existing gap is clearly of importance to the residents of Grimsargh who are supported by their MP Ben Wallace and by the Parish Council. However, the proposal would not result in the physical merger of the 2 settlements as there would be no point at which, as a result of the development, the gap would be closed. In my judgement, a significant gap would remain which would constitute an effective AoS were the area to be included in the designation under the emerging policy of the LP. Furthermore, although risk of merger is not defined in CS Policy 19, it seems to me that given the width of the gap that would be maintained by this proposal, there would be no perception of the gap being closed to the extent that there would be a risk of merger. Against this background, although there would be some loss of open countryside, there would be little

increased risk of the settlements merging and no significant harm to the local distinctiveness of Grimsargh as a separate village.

14. It was argued that in order to assess how the AoS would function, landscape character would have to be assessed. In this regard, my attention was drawn to the document *Strategic Gap and Green Wedge Policies in Structure Plans* ODPM 2001. In the light of the decisions in respect of the Hills, referred to above, it was agreed that it was the sense of leaving one place and entering another that was important in this respect. It was further agreed that the proposal would have no effect on leaving Grimsargh, as the development would not be in view.
15. However, the Council argued that the character of the landscape would be harmed by the proposal as there would be a change in the perception of leaving one settlement and entering another, when moving from Preston in the direction of Grimsargh. I observed that such movement would be confined to travelling along the B6243 either on foot or in a vehicle, and the footpaths FP5 and FP7. Two ribbons of development project from each settlement along the B6243. The proposal is some distance from this road to the north east. A hedge and fence run along the eastern side of the road with intervening mature vegetation between the road and the appeal site.
16. This distance combined with restricted views due to mature vegetation and the background of existing development would mean that the proposal would not be perceived over this view, whether on foot or travelling in a vehicle, as significantly closing the gap. From FP5, when moving from Preston to Grimsargh the gap is wide and although the proposal would reduce it, it would not harmfully diminish the perception of having left one settlement before entering another. From FP7 intervening distance and mature vegetation would mean that views of the site would be restricted but there would be no impression given of settlements merging or the sense of leaving one and entering another being diminished.
17. A principle within the NPPF is that of recognising the intrinsic character and beauty of the countryside. The appeal site, as far as I was made aware, currently has no landscape designation. While the proposal would have an impact on the character of the appeal site, due to its enclosed nature, nestling behind the existing housing on Ribblesdale Drive and the ribbon of residential development on the B6243, views are restricted to small sections of the footpaths FP5 and FP7, and a short stretch of the B6243. In the case of the latter, this is over some distance with intervening vegetation. In both the case of the footpaths and the road when moving towards Grimsargh, the proposal would be seen against a backdrop of existing development. Overall, the effect of the proposal on the character and appearance of the countryside would be very limited. In this regard, I do not consider that landscape character would be adversely affected by the proposal such that it would have a negative bearing on the objectives of CS Policy 19. Accordingly, taking the proposal on its merits, I find no conflict with CS Policy 19.

Sustainable development

18. Having established that CS Policy 1 is an out of date policy, the presumption in favour of sustainable development in NPPF paragraph 14 is engaged. The NPPF confirms that there are 3 dimensions to sustainable

development: economic, social and environmental. In terms of the economic role, the proposal would attract the New Homes Bonus, provide construction work and bring new inhabitants to the village, which would support the local facilities. The provision of affordable housing would improve the tenure mix and provide an opportunity for younger members of this village community to take their first steps on the housing ladder. All of these matters assist in the performance of a social role by supporting the village community.

19. In terms of the environmental role, I have found that although there would be the loss of a green field site, there would be no conflict with CS Policy 19. In addition, Grimsargh has good public transport links and a range of services. Furthermore, it is proposed that the dwellings will meet the Code for Sustainable Homes Level 4 which will assist with environmental sustainability objectives and the scheme would provide an area of public open space. The former could be secured by way of a condition and the latter could be secured through the Unilateral Undertaking, were planning permission to be granted. Against this background, I am satisfied that the proposal, in its totality, would amount to sustainable development.

Other matters

20. The Council acknowledged that there has been a net outward migration of population from Preston compared to neighbouring authorities and there is a general need for more family houses. The appellant argued that the proposal in delivering up to 70 dwellings, of which a portion would be affordable housing, would assist in redressing the balance and reversing the trend for outward migration. In my judgement, this could also result in more sustainable patterns of travel if the site were to result in the retention of Preston workers living within the Preston area.
21. The appeal scheme would meet the general requirements for 35% provision of affordable housing (in this case around 24 units) in a settlement where there is a high percentage of owner occupation and one which the Council accepts has relatively few affordable units. It would therefore result in a greater range of housing on offer, and a more mixed community, in line with policy objectives in the NPPF.
22. The appellant's Unilateral Undertaking makes provision for the payment of an education contribution in accordance with the County Council's 'Planning Obligations in Lancashire Methodology'. I am satisfied that this contribution, together with those in respect of highways and public open space, and the provision of affordable housing units are necessary to make the development acceptable. It is directly related to the development and reasonably related in scale and kind. As such it passes the tests set out in the NPPF and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010. I can therefore attach considerable weight to the undertaking.
23. Local residents raised concerns regarding highway safety and the capacity of local schools. A Highway Statement prepared by VTC Highway and Transportation Consultancy shows that the level of traffic that would be generated could be accommodated on the local network and the agreed highways contributions, secured through the S106 undertaking, would enable the impact to be mitigated satisfactorily. The Highway Authority has

raised no objection subject to conditions and I have no reason to disagree. With regard to local schools, I am satisfied that the education contributions secured through the S106 undertaking would address this matter.

24. The effect of the proposal on the living conditions of the occupiers of nearby dwellings and the impact on ecological interests were considered at the application stage. I note that in the officer report to Committee it was concluded that the proposal would be unlikely to have any significant adverse impact in respect of these matters. From my assessment, subject to the suggested conditions regarding reserved matters details and ecology, I have no reason to disagree.

Conclusions

25. I have concluded that the proposal would conflict with CS Policy 1 but as this is not an up to date policy for the purposes of NPPF paragraph 49, I give it moderate weight. I have considered the 3 dimensions of sustainable development as set out in the NPPF and I have found that the proposal would be in conformity. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In circumstances where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. The proposal would help meet the acknowledged shortfall in housing land supply in line with the NPPF which aims to boost significantly the supply of housing and this lends weight in favour of the proposal. It would also contribute to tenure choice by providing market and affordable housing, assist with stemming the outward migration from the Preston City Council area and provide a large area of public open space. These matters also weigh in favour of the proposal.
27. When assessed against the policies in the NPPF taken as a whole, I conclude that the adverse impacts of allowing the development do not significantly and demonstrably outweigh the benefits. Accordingly, on balance, the appeal should be allowed.

Conditions

28. The Council suggested a number of conditions which were discussed at the Inquiry. I have considered all of the conditions in the light of the advice within the NPPF and the Guidance.
29. In the interests of good planning, it is necessary to impose conditions setting out time limits for development and to relate development to the submitted plans. As was agreed at the Inquiry, the date for application for approval of the reserved matters was shortened to two years to reflect the need for housing to come forward quickly. I have also, as was agreed, imposed a condition requiring the implementation of a landscaping scheme.
30. It is also necessary to attach conditions to minimise the extent of the built development to the area shown on the illustrative plan and to control the scale of the development, in the interests of visual amenity. Given the variation in the levels on the site it is necessary to enable the Council to exert control over site levels and finished floor levels. A phasing plan is necessary for the development of the site to ensure it is developed in an

appropriate manner, while to ensure a satisfactory appearance, it is also necessary to ensure that boundary treatments are approved. In addition, to ensure a mixed community it is necessary to require details of the distribution of affordable dwellings on the site.

31. Access is not a reserved matter and conditions are also necessary to ensure the specification and phasing of access roads, and to ensure successful integration of the site into the village it is necessary to require pedestrian access points towards public footpath no. 7. As part of the package of transport measures, it is necessary to require off-site works of highway improvement to be submitted for the approval of the Council prior to development commencing, and to ensure that parking provision is made before the dwellings are occupied. A condition requiring surface water drainage details is also required in the interests of water and pollution management.
32. In order to ensure that the site is suitable for the proposed development it is necessary to submit a ground investigation report for approval by the Council prior to development commencing. Furthermore, I agree that it is necessary to require details of a landscape management plan for the public areas within the development and to have a Construction Environmental Management Plan submitted for approval prior to development commencing in the interests of residential amenity and highway safety. I also agree that a condition requiring the scheme to achieve Code Level 4 under the Code for Sustainable Homes is necessary in the interests of the environment.
33. It is necessary that the recommendations and mitigation measures contained within the Ecological Survey should also be secured by condition and in order to avoid harm to wildlife, conditions are required to restrict the times of clearance of vegetation and demolition at the site, and to ensure that the approved mitigation scheme is implemented. Furthermore, in the interests of protecting wildlife, a scheme of external lighting shall be submitted for approval by the Council before development commences.
34. As for trees, it is necessary to impose a condition requiring a plan to be submitted for the approval of the Council prior to development commencing, showing all trees and hedgerows to be retained and the method of securing their protection in the interests of visual amenity. Finally, to ensure and safeguard archaeological interests, before development takes place, a programme of archaeological work shall be agreed with the Council.

Richard McCoy

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton	Of Counsel
He called	
Mrs J Filbin BA(Hons) MA MRTPI	Senior Planning Officer, Preston City Council
Mr M Molyneux BA MSc BTP MRTPI	Planning Policy Manager, Preston City Council
Mr S Ryder BA(Hons) DipLA CMLI	Ryder Landscape Consultants

FOR THE APPELLANT:

Mr D Manley QC	Of Counsel
He called	
Mr S Harris BSc(Hons) MRTPI	Director, Emery Planning Partnership
Mr N Folland BA(Hons) DipLA CMLI	Director, Barnes Walker Ltd
Mr J Carruthers BSc MSc CEng MICE MCIHT	Director, VTC Limited

INTERESTED PERSONS:

Mr K Oakley	Grimsargh Parish Council
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CORE DOCUMENTS – As listed in the Statement of Common Ground

DOCUMENTS

- 1 Council's letters of notification of the Inquiry
- 2 Extract from Congleton Borough Local Plan 1st Review
- 3 TSol letter re Gladman Developments Ltd v Secretary of State for Communities and Local Government and Cheshire East Council
- 4 Gladman Developments Ltd v Secretary of State for Communities and Local Government and Cheshire East Council, Consent Order
- 5 Appeal decisions APP/U1105/A/13/2191905, 2197001, 2197002 and 2200204
- 6 Appeal decision APP/N2345/A/13/2200445
- 7 Appeal decision APP/F2360/A/11/2162175
- 8 Statement from Grimsargh Parish Council
- 9 2nd Supplementary Statement of Common Ground
- 10 Amended list of suggested conditions
- 11 Unilateral Undertaking Final Version

PHOTOGRAPHS

- 1 Aerial photograph showing distances between Grimsargh and Preston

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC1 (1:1250 amended location plan) and 1302WHD/RDG/SK02 (1:1000 layout for illustrative purposes only) received by the Council on 5/9/2013 & 6/9/2013 respectively.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters must be made not later than the expiration of 2 years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: the expiration of 2 years from the date of this permission; or the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 approval to any variation.
- 5) The built areas of the proposed development shall be confined to those areas as indicated on the illustrative layout plan (drawing number 130WHD/RDG/SK02) only.
- 6) The Reserved Matters submission in respect of the scale of development shall provide for dwellings up to two storey development only as indicated by the Building Parameters Plan submitted with the application.
- 7) The Reserved Matters submission shall include details of existing and proposed site levels throughout the site and finished floor levels of all dwellings. The development shall thereafter only be carried out in accordance with the approved levels.
- 8) The Reserved Matters submission shall include a phasing plan/strategy for the development of the site, including the provision of public open space, landscaping, children's play area and the infrastructure associated with the development (including access roads) and the delivery of affordable housing within each phase of the construction of the approved dwellings. The development shall thereafter only be carried out in accordance with the approved phasing plan/strategy unless any variation to the approved plan/strategy is first approved in writing by the local planning authority.
- 9) The Reserved Matters submission shall include details of all boundary treatment to be carried out on the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The approved details of perimeter boundary treatment shall thereafter be carried out and completed within each phase of development prior to any dwelling within that phase being first occupied and the boundary

- treatment relating to individual plots shall be carried out and completed on each respective plot prior to its first occupation.
- 10) The Reserved Matters submission shall identify the location and distribution of the affordable housing, demonstrating a broadly even distribution of the affordable housing provision throughout the development.
 - 11) Notwithstanding the details shown on the illustrative layout (drawing number 1302WHD/RDG/SK02), prior to any development being commenced, details of the design, construction, specification, lighting and drainage of all access roads to adoptable highway standards within the development site shall be submitted to and first approved in writing by the Local Planning Authority.
 - 12) The access roads shall be completed to a minimum of base course level prior to the construction of each phase of development and shall be fully completed in accordance with the approved details contained within condition 11 in accordance with the agreed phasing plan/strategy required by condition 8.
 - 13) Prior to any dwelling being first occupied, a pedestrian access from the site towards Public Footpath No. 7 up to the application site boundary, as indicated on the submitted illustrative layout plan, shall be constructed, drained, surfaced and made available for use in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The pedestrian access shall thereafter remain available for use at all times in the future.
 - 14) No development shall be commenced until a scheme of off-site works of highway improvement has first been submitted to and agreed in writing by the local planning authority. The scheme shall provide for works (including measures for raised kerbs and clearway markings) to upgrade 2no. bus stops to Accessible Bus stop standards on Preston Road in the site's locality. The approved scheme shall be completed in full prior to occupation of the 50th dwelling on the site.
 - 15) No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with details which shall be first submitted to and approved in writing by the local planning authority. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times in the future.
 - 16) No development shall be commenced until a scheme for the disposal of surface water and foul water for the site has been submitted to and approved in writing by the local planning authority. The agreed scheme shall thereafter be implemented in full and completed within each phase of development prior to any dwelling within that phase being first occupied. The completed approved surface water and foul water drainage scheme shall thereafter be retained at all times in the future.
 - 17) Prior to the commencement of development, a ground investigation report shall be submitted to and first approved in writing by the local planning authority in accordance with the recommendations of the Phase 1 Geo-Environmental desk study report (prepared by REFA Consulting Engineers, dated June 2013). Any recommendations contained within

the approved report shall be implemented in full during the course of the development and shall be completed prior to the first occupation of any dwelling. In the event that the approved report makes recommendations for future monitoring then this should also be adhered to in accordance with the details of the recommendations and any results of such monitoring shall be submitted to the local planning authority.

- 18) Prior to the commencement of development, a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules (including replacement of equipment and replacement planting) and a programme of implementation, for all landscape areas, play areas and public open space, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority. The landscape management plan shall be carried out as approved.
- 19) Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. Such a plan shall include details of the following:-
 - a. details of temporary boundary treatments/hoardings to be erected on all boundaries and retained throughout the construction period of each particular phase of development
 - b. details of site access proposals
 - c. a Traffic Management Plan
 - d. construction vehicle parking and workers parking
 - e. operative access
 - f. off-street parking provision for the delivery of plant and materials
 - g. wheel washing facilities
 - h. signage arrangements
 - i. the temporary closing of any street/access
 - j. hours of construction and deliveries
 - k. publicity arrangements and a permanent contact /Traffic Manager once development works commence to deal with all queries and authorised by the developer/contractors to act on their behalf
 - l. dust suppression measures
 - m. construction routes within the site
 - n. compound locations
 - o. means to prevent mud being deposited on the highway and the removal of mud from the highway where necessary
 - p. a scheme of measures to be employed to minimise the noise impact on neighbouring residents.

Development shall thereafter only be carried out in accordance with the approved CEMP.

- 20) The dwellings hereby approved shall achieve a minimum level four sustainability rating under the Code for Sustainable Homes. Prior to the commencement of development a design stage report for the development either as a whole or in phases shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved design stage report(s) and a post construction review report shall be

submitted to the local planning authority for each phase or individual property prior to any dwelling within that phase being first occupied.

- 21) No site clearance, removal of trees or other vegetation or demolition of buildings shall take place on the site between the months of March to August inclusive unless evidence of the absence of nesting birds has been first submitted to and accepted in writing by the Local Planning Authority.
- 22) The development hereby permitted shall be carried out only in accordance with the recommendations and mitigation measures set out within the Ecological Survey and Assessment (prepared by ERAP Ltd Consulting Ecologists (dated July 2013).
- 23) No site clearance, site preparation or development shall take place until a mitigation/compensation scheme for impacts on common toad has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include measures for the use of wildlife friendly gully pots/dropped kerbs. The mitigation/compensation scheme shall thereafter be implemented in its entirety in accordance with the approved details.
- 24) Prior to any development being commenced, details of a scheme of external lighting shall be submitted to and first approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate the avoidance of artificial lighting on wildlife, hedgerows, trees and areas of ecological mitigation within the application site. The development shall thereafter only be carried out in accordance with the approved scheme.
- 25) Prior to the commencement of development, a plan showing all trees and hedgerows on the site which are to be retained shall be submitted to and approved in writing by the local planning authority. No development shall be commenced unless and until a scheme for the means of protecting trees and hedges which are to be retained within the site and to protect those immediately adjacent to the site in accordance with BS 5837 (2012), including the protection of root structures from injury or damage prior to or during the development works, has been submitted to and approved in writing by the local planning authority.

The submitted scheme shall also provide for no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees or hedges. The approved scheme of protection measures shall be implemented in its entirety before any works are carried out, including any site clearance work and thereafter retained during building operations until the completion of the development.

- 26) No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the local planning authority.