



Appeal Decision

Inquiry opened on 27 August 2014

Site visit made on 29 August 2014

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 24 October 2014

Appeal Ref: APP/Y3425/A/14/2210911 Knightley Road, Gnosall, Staffordshire

- 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 Grasscroft Homes and Property Ltd against the decision of Stafford Borough Council.
 - The application Ref 13/19051/OUT, dated 24 July 2013, was refused by notice dated 6 November 2013.
 - The development proposed is the erection of up to 55 no dwellings, provision of open space and access works.
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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 S106 Unilateral Undertaking (UU) was submitted by the appellant. This covers the provision of affordable housing units, an education contribution, provision of public open space, a Cannock Chase Special Area of Conservation contribution and sports provisions. I return to these matters below.
3. In order to assist the efficient use of Inquiry time an informal round table session was held on day 3 which considered the amount and deliverability of housing to be expected from the Council's identified Strategic Development Locations, as a contributor to the Council's 5 year housing land supply. In addition, the appellant's witnesses who were going to give evidence on highways and transport, viability, and agricultural land quality (Mr Dolan, Mr Coulter and Mr Reeve) were not called.
4. Since the Council made its decision, the saved policies of the adopted Stafford Borough Local Plan 2001 (LP), referred to in its Decision Notice, have been replaced by the policies of the Plan for Stafford Borough 2011-2031 (PfS) adopted 19 June 2014. Specifically, the parties directed me to PfS Policies SP2, SP3, SP4, SP7, N1 and N8. I have dealt with the appeal on this basis.
5. The objectively assessed housing need in the PfS is subject to a challenge that as yet has not been determined. Nevertheless, subject to the judgement in *Wakil Abdul v Hammersmith* [2013] EWHC 2833 (Admin) No2 that reduced weight could lawfully be given by a decision maker to an adopted policy which

was under challenge, it was agreed by the parties that the housing need of 500 per annum as set out PfS should be the starting point for the assessment of the 5 year housing land supply. I have dealt with the appeal on this basis.

Decision

6. The appeal is allowed and outline planning permission is granted for the erection of up to 55 no dwellings, provision of open space and access works at Knightley Road, Gnosall, Staffordshire in accordance with the terms of the application Ref. 13/19051/OUT, dated 24 July 2013, subject to the conditions in the attached Annex.

Main Issues

7. The effect of the proposal on the character and appearance of the area and whether this would be a sustainable form of development having regard to national and development plan policies in respect of housing land supply.

Reasons

Background

8. The appeal site is an agricultural field which extends to around 3.6 hectares and is located on the edge of Gnosall, adjoining the village green and Gnosall Health Centre (GHC). It stands close to a recently approved housing development (the Bellway Homes scheme) which is also on the periphery of the settlement. Proposed is a development of up to 55 dwellings the access to which would be from Knightley Road, around 55m from the boundary with GHC. PfS Policy SP3 identifies Gnosall as a Key Service Centre (KSV) and therefore suitable for housing development. The appeal site is included in the Strategic Housing Land Availability Assessment (SHLAA) which provided part of the evidence base for the PfS.
9. The appeal site is situated outside the former residential boundary for Gnosall as it existed under the superseded LP Policy HOU3. PfS Policy SP7 states that settlement boundaries will be established for the Sustainable Settlement Hierarchy defined in Policy SP3 and I heard that this is likely to take the form of an Allocations Development Plan Document, the preparation of which is at an early stage. In the meantime, I heard that proposals which come forward would be assessed against the criteria of PfS Policy SP7.
10. It is anticipated that around 12% of new housing in the Borough over the plan period will be directed to KSVs (PfS Policy SP4) and it is recognised (PfS paragraphs 6.27 and 6.40) that the amount of development in each KSVs may vary due to policy constraints such as Green Belt and access to employment. Gnosall is not constrained by an environmental designation such as the Green Belt and is the largest of the KSVs. It is acknowledged in the SHLAA and in the PfS (paragraph 6.27) that the KSVs have the capacity to accept additional growth and that development to meet the 537 housing requirement for the KSVs is likely to take place on peripheral sites (table at PfS page29 and paragraph 6.40).

Suitable location for housing having regard to the area's character and appearance

11. The Council is concerned that the proposal would conflict with criteria a, f and g of PfS SP7. With regard to the former, as the appeal site abuts the GHC and

the village green, I consider the proposal would be adjacent to an existing settlement and would not conflict with this criterion. With regard to criteria f and g, the appeal site, while not covered by any particular designation in landscape terms, is situated within National Character Area 6, "Shropshire, Cheshire and Staffordshire Plain" and more specifically is identified as Ancient Clay Farmlands (ACF) in the *Planning for Landscape Change Supplementary Planning Guidance 2001*. Although prepared as guidance for the Staffordshire and Stoke on Trent Structure Plan 1996-2011, it carries some weight in this matter as it was used as part of the evidence base for PfS. The key characteristics of the ACF landscape character area (LCA) include; mature hedgerows, narrow winding lanes, small woodland areas, gently rolling farmland, dispersed settlements and field ponds.

12. The main parties agreed that the appeal site, as a field with hedges containing some trees, (4 trees on the Knightley Road boundary are subject to a Tree Preservation Order) was an "ordinary and everyday" landscape and I have no reason to demur from this description. The parties agreed its landscape value to be medium, with landscape condition being good whilst sensitivity to change was assessed as moderate. Furthermore, at around 3.6 hectares the appeal site is of a modest scale. In which case, any impact on the overall ACF LCA would be negligible. Moreover, I heard that the appeal site does not stand within the most sensitive part of the ACF LCA as this is situated to the south of Gnosall.
13. I agree with the Council's officer who in the report to Committee concluded that the impacts of the proposal would be limited to the local area within which the appeal site is located rather than wider ACF LCA. During my visit I observed that the appeal site sits on the same contour as a large part of Gnosall such that the proposal would not be a prominent feature either in relation to the rest of the settlement or the wider landscape. Against this background and given the modest size of the appeal site, I consider the proposal would integrate itself successfully with Gnosall in terms of visual impact and scale. It would not therefore appear as an incursion into the open countryside.
14. In my judgement, in terms of SP7 criteria "f" and "g", the proposal would have no unacceptably negative effects upon the characteristic landscape features of the area. Rather it would respond to the factors that currently limit landscape character. In particular, the proposal would bring forward landscape enhancements to existing on-site features such as hedgerows, trees and a pond which could be secured by conditions attached to any grant of outline planning permission. In so doing, it would address the findings of the LCA and avoid adverse impacts on the special character of the wider landscape. It would also provide landscaping measures to mitigate the impact to the immediate area. Overall the proposal would respond positively to PfS Policies N1 criteria g and h; N4 criteria c, f and i; and N8.
15. This is demonstrated, by reference to the visual impacts of the proposal. The main parties broadly agreed upon a zone of theoretical visual influence within which a series of viewpoints were identified. Notwithstanding the Council's criticisms of the appellant's Landscape Visual Impact Assessment (LVIA) prepared by Camlin Lonsdale and its review by TPM Landscape, I consider that the landscape and visual baseline as well as the extent of the study area for the LVIA were acceptable for the scale of development proposed.

16. The selected view points show that due to the intervening, undulating landform and vegetation, views of the proposal would be limited. In addition, enhancement of the setting could be achieved by the proposed landscaping which could be secured by condition, albeit some of which would take a while to reach maturity. No long distance views were identified by the main parties and of the intermediate views assessed, concerns were raised regarding the effect on receptors using the Millennium Way long distance foot path. However, I observed that over the distance concerned, the proposal would occupy a small part of the observable panorama and would be at an oblique angle to the direction of travel. As such, any impact would be negligible as it would be of a short duration as walkers progress along the path, across a vista that includes mature vegetation.
17. With regard to near distance views, several paths criss-cross the countryside linking Gnosall with nearby settlements and any peripheral development would impact upon views from these public rights of way (PROW). It would not be feasible to completely screen from view a development such as this and it is accepted in the PfS that peripheral development is likely to take place in KSVs such as Gnosall. While potential alternative sites were suggested by the Council, these came with different constraints including an effect on a heritage asset. In any event, development at the alternative sites would also have a visual impacts on users of PROWs near to the edge of Gnosall.
18. In my judgement, the effect of the proposal on walkers using these PROWs would be softened to some extent by existing and proposed planting, and views would be short lived when the entire length of each PROW is taken into account. Furthermore, when walking away from Gnosall the view would not be solely of the development as views of the countryside would still be apparent. In the opposite direction, when walking towards the village, the walker would be anticipating entering a built up area so the proposal would not be a stand out feature. In which case, I consider the effect of the proposal would be slight.
19. As stated above, it is my view that the village green and medical centre are integral parts of the village and abut the appeal site. The village green, although on the periphery, is nevertheless close to existing housing and a busy road. As such it did not strike me as a tranquil backwater but rather as a busy part of the village with passing cars and residents using the green for leisure/recreational activities. I do not consider that the proposal would harmfully alter the character of this space, particularly as it would be sheltered from it by an existing large hedgerow which also contains some trees. This could be further enhanced by planting which could be secured by conditions attached to any grant of outline planning permission.
20. Accordingly, I consider the proposal would not impact adversely on the special character of the area and would appropriately address the findings of the LCA, taking account of the enhancement actions of this particular landscape policy zone. Any small deterioration in landscape quality that might initially occur to the immediate setting of the proposal would be mitigated by the landscaping proposals that could come forward by way conditions attached to any grant of outline planning permission. These would mitigate the effects of the scheme in the medium to longer term. Consequently, there would be no unacceptable harm arising from the proposal to landscape character and it would not conflict with PfS Policies SP7, N1, N4 and N8.

Sustainable development

21. The NPPF confirms that there are 3 dimensions to sustainable development: economic, social and environmental. It is common ground that the proposal would be situated in a sustainable location. Furthermore, with regard to the economic role, the proposal would provide construction work and bring new inhabitants to the village, which would help to support the local facilities. The provision of affordable housing, a matter to which I return below, would improve the tenure mix and widen the opportunities for those in the area who wish take their first steps on the housing ladder. All of these matters assist in the performance of a social role by supporting the local community.
22. In terms of the environmental role, Gnosall is a designated KSV offering public transport links and a range of services. Although there would be the loss of a green field and some "best and most versatile land" in respect of agricultural land quality, I consider that there would be no conflict with PfS Policy. Moreover, the agricultural land is not of the highest value and represents a small amount of the overall resource in the Borough. As such, the parties agreed that this was not a determinative issue in the appeal and from my assessment of the proposal, I have no reason to disagree.
23. In addition, the scheme would provide an area of public open space which could be secured through the submitted UU (which I also address below) were outline planning permission to be granted and the Council confirmed at the Inquiry that it considered that the matter of a carbon zero development could be dealt with through the building regulations. The Council did not therefore consider there to be any conflict with PfS Policy N2. I again have no reason to disagree and consider that it is likely that the proposal could assist with achieving high environmental standards. Accordingly, I am satisfied that the proposal, in its totality, would amount to sustainable development.

Other matters

24. The parties disputed whether or not the Council could demonstrate an up to date 5 year supply of housing land. The Council was satisfied in the light of the recently adopted PfS, and taking comfort from recent correspondence (D4 email correspondence) from developers relating to larger sites, particularly the Strategic Development Locations (SDL) in the Borough, that it has a 5 year supply.
25. The Council estimated its supply, accepting a 20% buffer for past under delivery and a 10% non-build out rate applied to smaller sites and those large sites for which no contact was made with the developer, to be around 3,362 dwellings or 5.0 years (based on the 5 Year Housing Land Rebuttal (Document D3) estimate of an annualised housing requirement of 672 i.e. 500 + 20% buffer to which is added the shortfall of 629 which is itself divided by 5 to spread it across the 1st 5 years of the plan). The appellant disagreed arguing that the correspondence with developers, produced by the Council, could not be taken as demonstrating the claimed level and timing of housing development. In which case, the supply was estimated by the appellant to be around 3.9 years.
26. In my judgement, I have no reason, to dismiss the evidence set out in the submitted email correspondence with developers as unreliable although I note the table in PfS paragraph 6.53 applies a 10% discount to all commitments. I

also note that the appellant agreed that the Council has not historically applied a 20% buffer to any historic under supply. My attention was drawn to a recent decision by the Secretary of State ref. APP/H1840/A/13/2199085 & 2199426 where it was applied. However, this Council's uncontested evidence was that in the previous appeal it was concluded that it was correct to add the buffer to the backlog because that had been that Council's past historic approach from which it had departed for no clear reason.

27. In any event, in the case before me I have found that the proposal would be policy compliant and whether or not a housing land supply can be demonstrated is not determinative in this appeal. Furthermore, the NPPF makes clear that the aim is to significantly boost the supply of housing which this proposal would help to achieve.
28. A Transport Statement was submitted as part of the planning application. Following the submission of additional information regarding the impact of the proposal on a nearby mini roundabout junction, the highway authority confirmed that it had no objections to the scheme subject to highways conditions. From my assessment, I have no reason to disagree.
29. With regard to flood risk, trees and biodiversity, I note that the Environment Agency and Severn Trent Water raised no objections to the proposal on the basis of the submitted Flood Risk Assessment/Drainage Strategy Report (FRA); the Council's Tree Officer raised no objections as all existing boundary trees and hedgerows are to be retained, and the Council's Biodiversity Officer and natural England, on the basis of the submitted Ecological Appraisal raised no objections. Subject to the conditions suggested by these consultees relating to carrying out the development in accordance with the FRA, approval and implementation of details for surface water disposal, tree root protection, submission of planting details, prevention of hedge/tree works during the nesting season and a method statement for the protection of badgers, I have no reason to disagree.
30. My attention was drawn to the emerging Neighbourhood Plan (NP). It is at an early stage in its preparation with the Questionnaire having been sent out and the responses collated. It has several stages to complete before being examined and put to a referendum. NPPF Paragraph 216 indicates that from the day of publication, decision takers may give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation - the more advanced the preparation the greater the weight may be given. So, whilst the Questionnaire responses may give an indication of how local people might wish to their village develop, the NPPF indicates that the NP is afforded limited weight, since it is at an early stage in the adoption process. Moreover, the Planning Practice Guidance (the guidance) makes clear that a NP should be in general conformity with the development plan, and should not promote less development than is required to meet the housing needs of the area.
31. Concerns were also raised by local residents that Gnosall, as a result of this proposal (when considered with other approved and pending housing schemes), would be accepting "more than its fair share of development". It was also argued that if Gnosall is to expand it should be done in the context of an Allocations DPD or a NP. However, as mentioned above, the adoption of both of these documents is some way off. Furthermore, I have assessed the

proposal against the adopted development plan and national policies and guidance, and found it to be in conformity. Moreover, the housing requirement figure in the PfS is a minimum and the NPPF aims to significantly boost the supply of housing.

Unilateral Undertaking

32. The appellant's UU would provide affordable housing at a rate of 40%. The Council confirmed at the Inquiry that it was content with this level of provision and from my assessment it complies with the requirements of PfS Policy C2. Furthermore, the education contribution would accord with the requirements of PfS Policy I1 and the County Council's Education Planning Obligations Policy, while the open space provision and contribution towards the Cannock Chase Special Area of Conservation accord with PfS Policies C7 and N6 respectively. In my judgement, the UU provisions are directly related to the development and reasonably related in scale and kind. As such the UU 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 give it considerable weight.

Conclusions

33. I have concluded that the proposal would not conflict with PfS Policies SP7, N1, N4 and N8. I have also considered the 3 dimensions of sustainable development as set out in the NPPF and found that the proposal would be in conformity. In addition, the proposal would add to the supply of affordable housing. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

Conditions

34. The parties suggested several 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. In the interests of good planning, it is necessary to impose conditions setting out time limits regarding the submission of reserved matters and to relate development to the submitted plans. I have also, in the interests of good planning, imposed the agreed conditions relating to the submission of landscaping and public open space details.
35. Conditions are also necessary in the interests of road safety to ensure that visibility splays are provided; parking, drainage and surfacing materials details are submitted for approval; an off-site traffic management scheme is approved and implemented and off-site highway works constructed, before the development is occupied. In addition, in the interests of flood prevention, I shall attach conditions requiring the development to be carried out in accordance with the submitted FRA and an approved sustainable drainage scheme, along with a condition to ensure the finished floor levels are above flood risk level.
36. Further conditions are necessary to ensure the provision of adequate drainage facilities and to protect trees, shrubs and hedgerows in the interests of safeguarding adjacent watercourses and the area's visual amenity. While in the interests of preventing harm to legally protected species, conditions are necessary to ensure that works are not undertaken in the bird nesting season

and to require the submission of a method statement for the protection of badgers.

37. It is also necessary to attach conditions to ensure that details of means of enclosure are submitted and that such works are carried out in accordance with the approved details in the interests of visual and residential amenity. Finally, in the interests of residential amenity, a condition is required to control working hours during the construction of the approved development.

Richard McCoy
INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader QC	Instructed by Principal Solicitor, Stafford Borough Council
He called	
Mr S Wood MRTPI	Regional Planning and Building Control Manager, Urban Vision
Mr P Coe BA, DipLA CMLI	Landscape Architect, Urban Vision

FOR THE APPELLANT:

Mr P G Tucker QC	Instructed by Mr M Hourigan
He called	
Mr M Hourigan BA(Hons) BLP MRTPI	Director, Hourigan Connolly
Mr K Patrick BA(Hons) DipLa CMLI	Director, TPM Landscape

INTERESTED PERSONS:

Mr Greatrex	Chairman Gnosall Parish Council
Mr Smith	Ward Councillor
Mr Williamson	Ward Councillor
Ms Gregory	Secretary Gnosall Resists Indiscriminate Development
Mr Windmill BA(Hons), MRTPI(Rtd)	Retired Planner

Documents handed in at the Inquiry

- D1 Planning Committee report extract and appeal decision ref. APP/Y3425/A/14/2214743
- D2 Landscape Comparison table of effects
- D3 5 year housing land supply rebuttal
- D4 Email correspondence regarding delivery of large sites with planning permission
- D5 Evidence of Councillor Williamson
- D6 Evidence of Councillor Smith
- D7 Evidence of Mr Windmill
- D8 Evidence of Mr Greatrex
- D9 Neighbourhood Plan Questionnaire Feedback Report July 2014
- D10 Council's 5 year amended housing land supply figure
- D11 Agenda for round table session on Strategic Development Locations
- D12 Unilateral Undertaking
- D13 Evidence of Ms Gregory

- D14 Viability & Deliverability Report for Northern & Western Strategic Development Locations
- D15 Plan for Stafford Borough Schedule of Main Modifications
- D16 Plan for Stafford Borough Background Statement September 2013
- D17 Mr Windmill closing remarks
- D18 Ms Gregory closing remarks

Plans handed in at the Inquiry

- P1 Landscape Policy Zones in Staffordshire

ANNEX

Conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.
2. This is a grant of outline consent only and before the development is commenced details of the scale, siting, appearance and landscaping of the site, (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall be begun before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to the originally submitted details and specification and to the following drawings numbers 586-LOC-01 and J295/Access/Fig 1 B, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence.
5. Landscaping details to be submitted in pursuance of Conditions 1 and 2 shall include structural planting, the retention of existing trees and hedgerows and an implementation programme.
6. Details to be submitted in pursuance of Conditions 1 and 2 shall include a 0.9 hectares area of Public Open Space along the north-west boundary of the site with Hollies Brook, including details of a timescale for its provision. This area shall include a play facility for use by the under 12's age group which shall include at least 5 items of play equipment. The open space area shall subsequently be provided in accordance with the approved details and thereafter retained for such purpose and no walls fences or other means of enclosure shall be erected on or around any part of the open space area.
7. No other construction works shall commence on site until the access and visibility splays shown on drawing number J295/Access/Fig 1 B have been

provided and completed to Binder Course. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

8. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning authority:
 1. Parking, turning and servicing within the site curtilage;
 2. Means of surface water drainage;
 3. Surfacing materials.The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.
9. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising of:
 1. a site compound,
 2. parking facilities for site operatives and visitors,
 3. loading and unloading of plant and materials,
 4. storage of plant and materials used in constructing the development, and
 5. wheel wash facilitieshave been submitted to and approved in writing by the Local Planning Authority.
The approved traffic management scheme shall thereafter be implemented prior to any works commencing on site and maintained throughout the construction period for the development.
10. Prior to first occupation of any dwellings hereby approved, the following off-site highway works shall have been constructed in accordance with the approved plans:
Construction of a new footway fronting Gnosall Health Centre from the site entrance to the junction of Knightley Road/Brookhouse Road.
11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk assessment (FRA) Michael Lambert Associates Ref 8972 dated 19 July 2013 Version 02 and the following mitigation measures detailed within the FRA:
 1. limiting the surface water discharge to the Greenfield Qbar surface water run-off for all storm events up to and including the 1 in 100 year critical rain storm plus an allowance for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, and
 2. the undertaking of infiltration testing to establish ground conditions and assess the suitability of the site for the provision of SuDs.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
12. No development shall take place until a surface water drainage scheme, together with timescales for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the

local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

13. Finished floor levels should be set a minimum of 600 mm above the 1 in 100 year plus climate change flood level.
14. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewerage, together with timescales for implementation have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.
15. No trees, large shrubs or hedgerows shall be uprooted, felled, lopped, topped, or cut back in any way until a scheme has been approved that specifically allows such works. The works shall then take place in accordance with the agreed scheme.
16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the development.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
17. All trees, shrubs, hedges and bushes which are to be retained in accordance with the approved plans and particulars shall be protected in accordance with the BS 5837: 2012 "Trees in Relation to design, demolition and establishing a Root Protection Area (RPA) around each tree, shrub, hedgerow or bush, in accordance with the recommendations of BS 5837: 2012. All RPAs must be enclosed by suitable fencing, as specified by BS 5837: 2012 or as agreed in writing with the local authority or, where specifically approved, protected using ground protection measures to the satisfaction of the local planning authority. No works or alterations to existing ground levels or surfaces shall be undertaken within the RPAs without the prior written approval of the local planning authority. No materials, equipment or vehicles

are to enter or be stored within the RPAs. No materials that are likely to have an adverse effect on tree health such as oil, bitumen or cement will be stored or discharged within the RPAs. No fires will be lit within 20 metres of the trunk of any tree that is to be retained. All tree protection measures shall be agreed in writing with the local planning authority and their installation undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

18. Where the approved plans and particulars indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees, hedgerows or shrubs will be adequately protected during such a process.
19. Works to hedgerows and trees shall not be undertaken in the bird nesting season (March to August) unless it can be demonstrated that breeding birds will not be affected, through the submission, approval in writing by the local planning authority and subsequent implementation in accordance with the approved details of a method statement for the protection/avoidance of nesting birds. This may include timing of work, pre-work checks, avoiding nesting areas.
20. Prior to the commencement of development a method statement, including appropriate mitigation measures, to ensure the protection of badgers and their habitats shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be undertaken in accordance with the approved details.
21. Before the development is commenced details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 1 month of the dwelling(s) being occupied and shall thereafter be retained.
22. All works, including demolition, site works and construction together with deliveries to the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 14.00 on Saturdays and not at all on Sundays or Bank Holidays. In addition delivery vehicles shall not park on the access highways to the site.