



Appeal Decision

Site visit made on 1 June 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 7 July 2015

Appeal Ref: APP/W1850/W/15/3003191

Land off A438, Bartestree, Herefordshire (grid reference 356759 241019)

- 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 Mr S Watkins and Mr W Reynolds against the decision of Herefordshire Council.
 - The application Ref P140757/O, dated 13 March 2014, was refused by notice dated 29 October 2014.
 - The development proposed is residential development of up to 51 new dwellings of which up to 18 will be affordable.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 51 new dwellings of which up to 18 will be affordable at Land off A438, Bartestree, Hereford (grid reference 356759 241019) in accordance with the terms of the application, Ref P140757/O, dated 13 March 2014, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

Application for costs

2. An application for costs was made by Mr S Watkins and Mr W Reynolds against Herefordshire Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The application is in outline with all matters reserved other than access, which is proposed to be taken from the A438. A proposed indicative master plan, showing a preliminary housing layout was included; however the housing layout element of this plan is for indicative purposes only.
4. An obligation under Section 106 of the Town and Country Planning Act 1990, dated 24 April 2015, was submitted by the appellant. I shall refer to this in more detail below.

Main Issue

5. The main issue in this case is whether, with due regard to the development plan and the National Planning Policy Framework (the Framework), the proposal would be a suitable sustainable form of development.

Reasons

Policy Background

6. The Framework seeks to boost significantly the supply of housing and paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and that policies for the supply of housing will not be considered up-to-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites. This in turn triggers paragraph 14 of the Framework which explains that where this is the case, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies, taken as a whole.
7. The Council has conceded that it does not have a deliverable five year housing land supply and accordingly, its policies for the supply of housing are out of date in accordance with the Framework.
8. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the Development Plan as the starting point for decision making. This means that a determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Herefordshire Unitary Development Plan 2007 (UDP) Policies LA2, LA3, LA4 and LA5, referred to in the Council's reason for refusal, do not restrict the supply of housing and are broadly consistent with the objectives of the Framework; therefore I afford them significant weight.
9. UDP Policy HBA9 did not form part of the Council's reasons for refusal, but the Council contends that it is nevertheless relevant. Policy HBA9 relates to the protection of open areas and green spaces and states that "*proposals which would result in the loss of important open areas or green spaces which contribute to the distinctive spatial character, form and pattern of a settlement or neighbourhood will not be permitted.*" It goes on to set out criteria on elements worthy of protection, and concludes that "*the Council will apply the above criteria to any other land which may become the subject of applications for development, where it is considered that the open nature of the site is of such importance to warrant protection.*"
10. The reasons for refusal state that the appeal site is on land that functions as a 'locally important green gap', and thus the current scheme is a development proposal that Policy HBA9 would seek to restrict. I therefore agree with the Council that this policy must be relevant to the consideration of whether or not the current proposal is acceptable in planning terms.
11. Whilst reference is made to the policies contained in the emerging Herefordshire Local Plan Core Strategy (Core Strategy), given that these policies are subject to change little weight can be afforded to them.
12. The Parish Council have stated that they are in the process of producing a draft Neighbourhood Plan. However, this is in the early stages of preparation and I do not have any details of the plan before me. Therefore I can afford this draft document little weight.

Sustainable development

13. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability. I shall apply them in assessing the benefits and adverse impacts of the proposed development.

a) The economic dimension

14. Although housing development does not equate to economic development, the proposal would nevertheless provide economic benefits, in providing employment and trade in building materials, which would help to foster economic growth. In the longer term, the level of disposable income would also be increased with some commensurate growth in the demand for local goods and services.

15. The development would also generate New Homes Bonus and Council Tax receipts for the Council. As these are incentives for local planning authorities to provide housing on suitable sites, I do not consider that they attract weight as benefits in the planning balance.

16. I have no evidence before me that the proposed development would result in any adverse economic impacts and I conclude that, for this dimension of sustainable development, the balance must clearly be in its favour.

b) The social dimension

17. The principal social benefit of the proposed development would be the provision of additional housing in an area where the on-going Local Plan process has demonstrated that there is an, as yet unresolved, shortage of provision. In the light of the Framework's priority to '*...boost significantly the supply of housing...*', the additional dwellings to be provided must carry very substantial weight in my decision.

18. There is also the appellants' commitment, reflected in the signed and dated Section 106 agreement, that 18 of the proposed 51 dwellings would be affordable. Significant weight must be given to this aspect of the development.

19. The settlement of Bartestree and its neighbouring village of Lugwardine contain a number of facilities including: a pub; primary school and nursery; church; village hall; hairdresser; recreational facilities; and a small convenience store. The City of Hereford is approximately 4km from the site, and the market town of Ledbury some 19km, with their wider range of facilities and services. Furthermore, there are regular bus services to Hereford and Ledbury which operate 7 days a week. The appellants indicate that the proposed development would further increase pedestrian accessibility of the area as a footpath link will be provided to link Frome Park to the village centre. This would be a benefit of the scheme to be weighed in the final balance.

20. Moreover, also to be recognised in considering the accessibility of the site is that Herefordshire is a largely rural county, which has a substantial need for additional housing. In this context, while there would no doubt be some use of the private car by occupants of the development, the site offers some choice of travel by other modes. In addition, the site can be regarded as reasonably

compliant with the advice of the Framework that housing in rural areas should be located where it would enhance or maintain the vitality of rural communities.

21. There may be a wider issue about the future integration of the proposed development within Bartestree, particularly with regard to the number of recent planning applications for residential development. I am, however, sceptical that this would necessarily result in a lack of connection or social cohesion to the community. Moreover, experience suggests that newcomers are often eager to become involved in village life and sometimes become the most vigorous defenders of perceived threats to the village environment.
22. Concern is also raised regarding the cumulative effect of this and other developments. Particularly that these would represent a disproportionate addition to the village putting pressure on the local infrastructure. In acknowledgement of the local facilities and accessibility of the village, mentioned above, Bartestree and Lugwardine are identified in the emerging Core Strategy as a sustainable location for residential development, which the appellants' comment would be some 142 dwellings during the plan period.
23. From the evidence submitted by the Council, which outlines committed development in the area, and the 51 dwellings sought in this appeal, the total number of dwellings would be some 129. Therefore below the Core Strategy figure. Even so, this is an indicative target and the Core Strategy is an emerging plan, and could well change. In any event, whilst the level of growth would not be insignificant, the village would still remain a modest-sized rural settlement.
24. The balance within the social dimension of sustainable development may not be as overwhelmingly clear-cut as with the economic dimension of the proposal, but given the very substantial weight I must afford to the provision of additional market and affordable housing, it remains strongly positive.
c) Environmental dimension
25. With respect to the environmental dimension of sustainable development, the elements that I consider to be especially relevant to the proposed development are: landscape impact; drainage; biodiversity and highway safety.
c)(i) Landscape and visual impact
26. The site slopes upwards in a north westerly direction and is currently in equestrian use for the grazing and stabling of horses. Whilst mention is made of former orchards I saw little evidence of this use on my site visit. The appeal site is enclosed by a post and wire fence and mature hedging and a Public Right of Way dissects the site, broadly centrally, from east to west. To the north-west and south-west there are existing, loosely knit, individually designed dwellings. Whereas the dwellings to the south, at Frome Park, comprise a more formally laid out housing estate. To the east is the A438 and beyond this highway is agricultural land, comprising irregular shaped fields bounded by mature hedgerows and trees.
27. Paragraph 17 of the Framework recognises the intrinsic character and beauty of the countryside as a core planning principle. That there must be an impact on the landscape from a development of up to 51 houses is undeniable. The nature of the appeal site would be changed from pony paddocks to a residential

- estate. That would be true irrespective of what mitigation is sought at reserved matters stage by means of layout or landscaping to reduce the proposed development's impact. The issue is how significant that impact would be and whether it would represent substantial material harm.
28. The appeal site is not locally or nationally designated for its landscape value. However, in order to assess the effect on landscape character it is first necessary to consider what the baseline landscape character may be. To this end, the government's Planning Practice Guidance (PPG) supports the use of landscape character assessments where they already exist. Several landscape character assessments have been carried out for areas which include the appeal site. These are at different scales and they have different objectives, but are useful in examining the context of the site. At a county level the Herefordshire Council Landscape Character Assessment (LCA), updated in 2009) identifies the appeal site to be located within the 'principal settled farmlands' character type with 'riverside meadows' character type located to the south east and south west. Where the LCA states that "*low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement*".
29. Additionally the local landscape includes unregistered historic parks and gardens which add to the sensitivity of the local landscape, however the Council recognises that the appeal proposal has no direct impact on these heritage assets. From the evidence before me and from what I saw on my site visit I have no reason to disagree.
30. The Appellants have submitted a Landscape and Visual Impact Assessment (LVIA) which is specific to the appeal proposal. The LVIA generally concludes that the overall significance of effect on localised and wider landscape and visual impacts will be low. In particular, the LVIA shows that the scheme's influence on its surroundings would be modest in scale and, in many ways, complementary to the existing rural edge of the area. Indeed, on this latter point, it appears to me that the appeal scheme represents an appropriate rounding-off to existing housing and estate development hereabouts.
31. Nevertheless, I also recognise that the site separates the settlement of Bartestree from the Frome Park estate, and in this regard the Council is concerned that the appeal development would result in the coalescence of these communities and the loss of a locally important 'green gap'. Furthermore, the Council states that the removal of the roadside hedge would increase the prominence of the site, particularly on the approach to Bartestree along the A438.
32. In this regard there would be a slight reduction in the overall value of the appeal site as open space and in the contribution it makes to the quality of its surroundings. This is particularly so in close views towards the land from adjoining roads and footpaths, where the site's openness currently contributes to the generally open and rural quality of adjoining lanes and the surrounding area. This matter seems to me to be, perhaps, the most serious issue that threatens the sustainable credentials of the proposed development.
33. For these reasons such 'green gaps' are important. However, as I saw on my site visit there is an existing narrow band of development which somewhat

- links these two existing communities and provides a continuous ribbon of development. Moreover, the appeal site with its stables and associated equestrian paraphernalia adds a degree of 'domestication' to the area.
34. The indicative layout of the proposed development is intended to ameliorate such impacts in that the built development has been concentrated into modest sized parcels. These are set back from the A438 and from the public footpath that bisects the site. It would also appear from the plans before me that the open spaces at the edges of the site and beside the public footpath are intended to be landscaped and planted to include hedges, trees, ponds and other open space. With land to the north west planted to create a small orchard. The effect would be generally green, it would avoid a harsh urban appearance and retain the overarching character of the principal settled farmstead typology.
 35. Moreover, the retention of hedges and trees to the south of the site, along with the drainage pond, would ensure that to the casual observer it would still seem as if there was a clear differentiation between the Frome Park estate and Bartestree.
 36. Whilst the appellants suggest that the orchard should be seen as a benefit of the scheme, it is outside the application area and not included in the S106. Therefore it cannot attract the weight which the appellants think it deserves.
 37. The formation of the proposed vehicular access and visibility splay would interrupt the general undeveloped nature of this section of the road and the line of the existing hedgerow. However, replacement hedge planting is proposed behind the visibility splay which, alongside the landscaping mentioned above, would soften the appearance of the development and ensure that the development could be successfully assimilated in this landscape
 38. Turning to the availability of long distance views of the site. Although the appeal site would be distantly visible from the high ground of the Wye Valley Area of Outstanding Natural Beauty and Fromes Prior, views from these areas are very extensive and already include areas of settlement such as Bartestree itself. The proposed development would only represent a minor change to part of that distant view. There is no substantive evidence of a significant adverse effect on view from the AONB.
 39. In forming this conclusion I have taken into account the comments regarding the design of the proposed dwellings. This matter once more runs up against the outline nature of the application with design being a reserved matter. I can only comment that I consider the design of any proposed dwellings to be secondary to the wider issues associated with the change of use of the site. However, in making that comment I am also fully cognisant that the look and feel of individual properties would be significant in terms of impact and that, so far as possible, any development should seek to reflect local materials and local styles of building if harm from the proposed development is not to be exacerbated.
 40. Reference has been made by both parties to the potential for cumulative landscape and visual impacts with other residential developments. The Council refers to three appeals which are currently ongoing. Of these APP/W1850/A/14/2224785 has been dismissed. APP/W1850/A/14/2227014 has been withdrawn and the final appeal reference relates to the appeal before

me. The Council also refers to a planning application currently under consideration for 100 dwellings off Longworth Lane. However, I do not know when this planning application is likely to be determined or whether it will be successful; the matter of cumulative impact should be left for consideration in that application rather than the present case.

41. Whilst a further 48 units of residential accommodation have been approved in Bartestree and a further 30 dwellings in nearby Lugwardine, these have been found acceptable in planning terms. Additionally, these sites are some way to the west of the appeal site and due to the intervening topography it is unlikely that the developments would be seen in combination. For these reasons the landscape character of the area would not be significantly eroded by the proposed development and the settlement pattern, as established by the LCA, preserved.

c)(ii) Drainage

42. The Flood Risk Assessment does not identify any significant dangers. The Drainage Strategy aims to prevent flash-flooding, on the site and on land downstream from it, caused by storm water run-off, by using a Sustainable Drainage System (SuDS). Clearly as the land form drops away towards Frome Park great care will be needed, at the detailed design stage, to ensure that any drainage features are properly integrated into the landform. Furthermore, I attach weight to the fact that the Environment Agency and Welsh Water, subject to planning conditions relating to drainage and sewerage, expressed no objection to the scheme.

c)(iii) Biodiversity

43. The ecological value of the appeal site is limited due to its present equestrian use. This is confirmed by the appellants' Phase 1 Habitat Survey. The site provides suitable habitat for bats, dormice, raptors and nesting birds, but I accept that significant adverse impacts from the proposed development on these populations should be avoidable or capable of mitigation. Furthermore, the development will allow the creation of new habitats, such as ponds which will, to some extent, enhance the biodiversity of the site.
44. The hedgerows surrounding the site provide an important ecological resource. However, providing that appropriate protection measures are taken during construction and longer-term management ensured through appropriate planning conditions, I see no reason why there should be irreparable damage to the overwhelming majority of the hedgerows that form the boundaries to the site. An exception is the hedgerow that runs along the side of the A438, a section of which would have to be removed to provide the visibility splays associated with the site entrance. Nevertheless, it should be possible to seek, by means of planning condition, replacement planting with native species of local provenance. There would be a short-term loss but the probability of significant mitigation over a longer period.

c)(iv) Highway safety

45. Whilst not a reason for refusal the Parish Council and third parties have raised concerns in relation to highway safety, particularly the creation of a new vehicular access onto the A438. I note, in this regard, that whilst the Highway

Authority did have concerns initially information submitted at the application stage meant that no objection was sustained, subject to conditions.

46. The A438 is a single carriageway road, unlit, with a speed limit of 40mph. Following comments from the Highways Authority the appellants have indicated that a 'ghost island' right hand turn junction vehicular access from the A438 would be installed. To my mind, the right hand turn lane, along with the creation of suitable visibility splays would reduce the risk of accidents resulting from the slowing down or manoeuvring of vehicles wishing to access or exit the proposed development.
47. Furthermore, the creation of a pedestrian footpath and the overall sustainable location of the site would offer future occupiers a real choice about how they travel, without reliance on the private car.
48. Therefore, given the stated position of the Highway Authority and the Framework which states at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, I do not consider that the appeal scheme would material harm the safety or free flow of traffic in the area.

c)(v) Conclusions on the environmental dimension of sustainable development

49. The environmental dimension of the proposed development is less clear-cut. The benefits identified are either marginal – as in the case of habitat creation – or essentially mitigation – as in the case of hedgerow creation to be applied to the development. Moreover, those benefits have to be set against the loss of an area of open space, leading to a change in the local environment and landscape. However, whilst the appeal site is a pleasant piece of countryside, it is neither so special nor so substantial, in my view, that its loss to development would represent significant material harm, and the retention of hedgerows and additional landscaping would ensure that the setting of local settlements would not be significantly affected. Therefore the proposal would not be contrary to UDP Policies HBA9, LA2, LA3, LA4 and LA5, relating to: the protection of open areas and green spaces; the overall character of the landscape; retention and enhancement of landscape character and to minimise the impact of landscape change; setting of settlements; the protection of historic parks and gardens; and the protection of trees, woodlands and hedgerows.

Other matters

50. The extent of local opposition to a scheme is not, in itself, a reasonable ground for resisting development, but opposition founded on valid planning reasons certainly can be. Local residents have taken considerable trouble to advise me of a number of material issues and genuine concerns, and I have had careful regard to all those that were relevant.
51. Both the Council and the appellant have brought previous appeal decisions¹ to my attention (in addition to those already mentioned), which I read with interest. However, these are in different locations to the appeal before me, which limits the weight I can attach to them. In any event, each planning application and appeal should be determined on its own merits given the

¹ APP/W1840/A/13/2199085; APP/H1850/A/13/2199426; APP/G1630/A/14/2222147; APP/G1630/A/11/2146206; APP/G1630/A/11/2148635; and APP/F1610/A/13/2196381.

individual circumstances and material considerations, as I have done for this decision.

Legal Undertaking

52. The signed Section 106 Unilateral Undertaking (UU) is a legal covenant and once it comes into effect its terms are binding on the person(s) against whom it is enforceable. In this case the provisions for: securing 18 affordable housing on the site, and; contributions towards education facilities in the locality, libraries, play space, recycling and transport, are all legitimately required.
53. The UU meets the tests set out in the current CIL regulation 122 in that it is: necessary to make the development acceptable in planning terms; directly related to the development, and; fairly and reasonably related in scale and kind to the development.

The overall planning balance

54. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running both plan-making and decision-taking. I recognise, in this regard, that Bartestree is a relatively sustainable village. However, the Framework is based upon a much wider definition of sustainability, encompassing its economic, social and environmental dimensions, which go beyond a settlement's sustainable location.
55. In my consideration of this appeal, I have not found any conflict with the adopted policies of the Development Plan. I have found that the slight reduction in the overall value of the appeal site as an open space and in the contribution it makes to the quality of its surroundings, are considerations which weigh against the proposal. However, of considerably greater weight, in my view, are the benefits that the proposed development would have in terms of making significant contributions to addressing the clear shortfall in the Council's housing supply, and the pressing need for more affordable housing in the local area.
56. Taking all of this into account, I conclude that the proposed development would accord with UDP Policies LA2; LA3; LA4 and LA5 relating to: the overall character of the landscape; setting of settlements; the protection of historic parks and gardens; and the protection of trees, woodlands and hedgerows. Furthermore the scheme would accord with the Framework's priority to '*...boost significantly the supply of housing...*', and the overall balance of material considerations weighs strongly in favour of granting planning permission.

Conditions

57. Conditions should only be imposed if they are; reasonable, enforceable, precise and relevant both to planning and to the development to be permitted.
58. Although this is an outline application detailed assessments and statements were material in my deciding to grant planning permission. It is important, therefore, that what would normally be detailed requirements are also reflected in the conditions that I impose now despite the further opportunities offered for control at the detailed application stage.

59. There is no reason to attach anything other than the usual time limits for commencement of development and the submission of details for subsequent approval. It is also necessary that the requirements for the reserved matters are set out for the avoidance of doubt and in the interests of proper planning.
60. Due to my findings relating to the landscape character it is necessary to ensure that samples of materials are submitted for approval, that a detailed plan showing existing ground levels and proposed slab levels of the proposed dwellings is submitted, that the dwelling numbers are limited to a maximum of 51 and that these are no more than two and a half storeys in height. Furthermore, it is necessary for the existing trees and hedgerows to be protected during construction along with the submission of a hard and soft landscaping scheme to ensure that the development integrates with its surroundings and is maintained accordingly.
61. Conditions to ensure the submission of a specification for the enhancement of biodiversity and the implementation of a programme of archaeological work are necessary to prevent harm to biodiversity and heritage assets.
62. Conditions regarding highway safety for the lifetime of the development are required to ensure visibility splays, a vehicular access, footway link and ghost turning lane, roads and highways drains, parking and turning areas are constructed prior to the occupation of the development. Additionally the details of cycle parking for each dwelling is required in the interests of sustainability. To ensure highway safety during construction conditions requiring wheel cleaning apparatus and parking for operatives and visitors are required. Finally all highway works must be completed within a period of 2 years in the interest of highway safety and convenience of other highway users.
63. To protect the integrity of the public sewerage system conditions are necessary for: a scheme to be submitted to show how the site will be drained; that foul and surface water are drained separately from the site; that no surface water will connect to the public sewer; and that no land drainage to discharge to the public sewer.

Overall Conclusion

64. For the reasons set out above, I find no conflict with the development plan, nor any other significant material harm. On balance, therefore, the evidence in this case has led me to conclude that the appeal should be allowed.

Joanne Jones

INSPECTOR

ANNEX to appeal decision APP/W1850/W/15/3003191

Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) 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.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development shall include no more than 51 dwellings and no dwellings shall be more than two and a half storeys high.
- 6) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 3.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 118 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.
- 7) Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.
- 8) Development shall not begin until details of the proposed footway link and ghost right turning lane (as per JMP drawings MID3674-004 and MID3674-005) have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.
- 9) Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of any part of the development hereby permitted.

- 10) None of the dwellings shall be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.
- 11) All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).
- 12) Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.
- 13) Development shall not 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 and such provision shall be retained and kept available during construction of the development.
- 14) Before the development is commenced a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to [first use/occupation] of the development hereby permitted.
- 15) In this condition 'retained tree/hedgerow' means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:

- a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS3998:2010 – Tree Work - Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.
- b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
- c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within

the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.

e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

- 16) No development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

a) 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, species and canopy spread, together with an indication of which are to be retained and which are to be removed

b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas

c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

a) Existing and proposed finished levels or contours

b) The position, design and materials of all site enclosure (e.g. fences, walls)

c) Car parking layout and other vehicular and pedestrian areas

d) Hard surfacing materials

e) Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs etc.)

f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)

g) Any retained historic features and proposals for restoration

- 17) The soft landscaping scheme approved under condition 16 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard

- landscaping shall be completed prior to the occupation of the development hereby permitted
- 18) Foul water and surface water discharges must be drained separately from the site.
 - 19) No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.
 - 20) No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.
 - 21) No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme.
 - 22) The recommendations set out in the ecologist's report from HEC Ltd should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.
 - 23) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.
 - 24) Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.