



# Appeal Decision

Inquiry held on 29 July 2010

by **Gyllian D Grindey** MSc MRTPI Tech.  
Cert. Arb.

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

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**Decision date:**  
**26 August 2010**

## Appeal Ref: APP/H1840/A/10/2124085

### 27 Brewers Lane and land to the rear, Badsey, Evesham, WR11 7EU.

- 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 Crest Nicholson against the decision of Wychavon District Council.
- The application Ref W/09/01690/OU, dated 14 July 2009, was refused by notice dated 4 February 2010.
- The development proposed is demolition of no. 27 Brewers Lane, and the development of up to 39 dwellings and associated infrastructure.

### Decision

1. I allow the appeal, and grant planning permission for demolition of no. 27 Brewers Lane, and the development of up to 39 dwellings and associated infrastructure at 27 Brewers Lane and land to the rear, Badsey, Evesham, WR11 7EU in accordance with the terms of the application, Ref W/09/01690/OU, dated 14 July 2009, and the plans submitted with it, subject to the conditions in the attached schedule.

### Application for costs

2. At the Inquiry an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

### Procedural matters

3. The appellants have submitted a fully signed and executed S106 document to make contributions towards the provision of affordable housing; public open space; public transport; education and recycling. I consider that this S106 obligation is necessary and relevant to the proposed development and am satisfied that it meets policy tests in Circular 05/2005. The submission of this Obligation overcomes the Council's reasons for refusal nos. 2 – 6 relating to these particular matters.
4. The appellants have recently discovered that there is a narrow portion of land on the north boundary of their site which should not have been included within the application site edged red. The corrected application site is as shown on the plan between pages 5 and 6 of the completed S106 document. Such a small parcel of land is involved that I do not find it significant and consider that I can deal with the appeal on the basis of the slightly revised application boundary.

## Background

5. Following the submission of the S106 document which overcomes reasons for refusal nos. 2 – 6, there remains only one, which relates to evidence of bats roosting in the roof of no. 27 at some time in the past, and foraging and commuting through the site. There had been much helpful discussion between the parties prior to the inquiry which had narrowed the areas of dispute; in particular a further bat-survey has been undertaken.
6. This issue was first identified by the Betts Ecology Survey of October 2009. This found evidence of bat droppings within the roof space, but no evidence of bats present at the time of survey and no recent signs of occupation such as moth and insect remains. It was not until June of this year that a further survey was undertaken, by Dr Mansfield. This confirmed that the droppings were those of brown long eared bats<sup>1</sup>; the droppings were thought to be about 1 year old. No bats were observed roosting within the building and a bat-detector left within the roof for a week did not detect any bat activity. Emergence surveys on 2 days did not find evidence of any bats using the building at that time. Bats were recorded foraging in, and commuting through, the area around the house and foraging along the hedgerows at the rear, particularly the eastern hedgerow.

## Main issue

7. From my inspection of the site and surroundings and the representations made at the inquiry and in writing, I find the decision in this appeal turns on one main issue. This is whether the scheme can reasonably be permitted, bearing in mind legislation for the protection of bats and planning policy objectives for nature conservation and the evidence available concerning bats on the site.
8. The Statement of Common Ground<sup>2</sup> sets out the legislative background concerning European protected species and that the provisions of Local Plan policy ENV6 and the Conservation of Habitats and Species Regulations 2010 are relevant. I agree. Regulation 53 states that a licensing body may grant a licence in a small number of limited circumstances including: preserving public health or public safety *or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*<sup>3</sup> [my emphasis]. Regulation 53(9)(a) states that the relevant licensing body must not grant a licence under this Regulation unless they are satisfied *that there is no satisfactory alternative* and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
9. In the Statement of Common Ground the Council agrees that, if the mitigation works proposed by the appellants are implemented,<sup>4</sup> then Regulation 53(9)(b) would be met. Hence the 2 derogation tests which I need to concentrate upon are those in italics above in my paragraph 8.

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<sup>1</sup> While all bats are fully protected brown long eared bats are a European priority species

<sup>2</sup> Paragraph 6 onwards

<sup>3</sup> Regulation 53 (2)(e)

<sup>4</sup> These are set out in Section 4 of Dr Mansfield's proof

## Reasons

10. So, firstly, these are stringent tests; in my view they should not be considered lightly. I can be guided here by the 'Guidance document on Article 6(4) of the Habitats Directive 92/43/EEC [The Guidance] which was issued to give clarification to the various concepts like 'alternative solutions' and 'imperative reasons of overriding public interest'. In the note beneath paragraph 1.3.1 the Advocate General suggests that a balance can be struck between any adverse effect and the relevant reasons of overriding interest; hence the 2 tests are, to some extent, interlinked and can be considered for the most part together.
11. An analysis of the need for the development is a consideration: in this case there is a public need for housing and affordable housing in particular. It is a particularly difficult time to take a decision regarding housing provision with regard to any target. Regional Strategies were revoked on 6 July, immediately before the inquiry; I doubt that *any* Local Authority has had time to re-assess their situation. Nonetheless, the current, available guidance makes clear that local planning authorities will still have to provide a 5 year housing land supply, and that they will be responsible for establishing the right level of local housing provision in their area and identifying a long term supply of housing land in line with *Planning Policy Statement (PPS) 3: Housing*.
12. Notwithstanding the Council's argument that they are at liberty, now, to review their housing targets, Wychavon could not demonstrate a 5 year supply of deliverable sites previous to the revocation. I understand their point that, with the very recent revocation, they are simply not able to demonstrate a 5 year supply 1 way or the other, because they simply had not had sufficient time yet to re-assess their situation.
13. But, firstly, 'current and future demographic trends and profiles'<sup>5</sup> must be a basis – for on what other figures might anyone base an analysis of housing need? Clearly local authorities will have to examine natural growth and migration, as has always been the case. The letter of 6 July 2010<sup>6</sup> offers more guidance; former housing targets can be replaced with 'option 1 numbers', if that is the right thing to do in that local authority area - again, there would be no material change in how figures will be arrived at than previously. Even to provide for natural increase, Wychavon would have to find 6100 units in the relevant time frame; over the last 2 years completions have not covered natural increase, let alone migration.
14. We spent some inquiry time examining the available figures, substituting others and discussing the choices to be made in the components of any calculation. Suffice to say that none of the calculations seemed to me to be so refined and accurate that it should be preferred. But what is clear is that the goal-posts are not going to move **so** substantially that a completely different picture will emerge concerning housing targets. I made a note that the Council's witness accepted that, even if it was not the best, the evidence on 5 year housing land supply and associated figures we examined was the *only* evidence in front of me.

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<sup>5</sup> As Planning Policy Statement 3, paragraph 21, puts it

<sup>6</sup> From Steve Quartermain to Chief Planning Officers

15. Pulling these threads together, I do not think that the Council are or will be (in the short term) in a position to demonstrate a 5 year supply of available housing land measured against numbers most likely to be found necessary. That being the case, paragraph 71 of *PPS 3* comes into play which indicates that planning applications for housing should be considered favourably. While the majority of the site lies without the settlement boundary, where the Local Plan seeks to resist new development, the Inspector's report described the site in favourable terms, ranking it second in any list of potential housing site in Badsey. As such, and given the 'consider favourably' policy advice of *PPS 3*, this is a good site for development.
16. The Officer's report to committee, in recommending approval, carried a thorough analysis of both the 'medium to high' need for additional affordable housing in Badsey<sup>7</sup>, the suitability of this site for housing development and fails to indicate any preferable site. I was given no evidence of a better site or, indeed, any alternative site, and, indeed another solution, on an unknown site, might have its own negative environmental effect. In these circumstances, specific to this case, I can conclude that there is no 'alternative solution'.
17. As to 'imperative reasons of overriding public interest', the development would deliver some housing and needed affordable housing. This is of public interest and of a social nature. The Guidance says that it would be reasonable to consider that the phrase refers to situations where plans or projects envisaged prove to be indispensable - within the framework of carrying out activities of economic or social nature, fulfilling obligations of public service. It seems to me 'imperative' - in the circumstances of this case, the development is essential and must be carried out to result in the required housing.
18. One final element in the balance is the conclusions of Dr Mansfield in the later survey and report document of June 2010. It is clear that a small number of bats have previously used no. 27 occasionally as a roost - 'probably males and non-breeding females'<sup>8</sup>. They were not present at the time of the survey, so any occupation is obviously intermittent and the building is not essential to them- they *must* have other roosts they sometimes choose to go instead - since they were not found in June.
19. Indeed, if Dr Mansfield's recommendations are carried out, 3 double garages offering alternative roosts would be constructed; one to be built before demolition of no. 27. These would be constructed with a design particularly suitable for bat occupation. Yet more adaptations are suggested for single garages to be provided with ridge-tile access points. The majority of bat-foraging identified over the rest of the site seemed to be related to the boundary hedgerows; these can be retained. The report concludes that the requirements of the 'Favourable Conservation Status' test can be satisfied and 'the loss of the roost will not result in a significant effect on the conservation status of the brown long eared bat population locally.'<sup>9</sup> In their letter of 27 July 2010, Natural England raised no objection to the scheme. Clearly in any balancing exercise this adds considerable weight in favour of allowing the development.

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<sup>7</sup> Notwithstanding the recent approval of up to 16 affordable units off Banks Road

<sup>8</sup> Dr Mansfield's proof, paragraph 4.4

<sup>9</sup> Dr Mansfield's proof, paragraph 4.7

*Other matters.*

20. Residents in the village and those at the inquiry raised an issue of traffic generation and the use of Brewers Lane; I saw for myself the sports ground at the end of the Lane. However I note that the Highway Authority did not raise any objection to the development. I further note that the site generally links well with the rest of the village and Evesham. Conditions in Brewers Lane and the surrounding highway network did not appear to me to be significantly worse than many other locations.
21. Issues with potential flooding were also raised, if surface water is drained into the water course at the rear of Old Post Office Lane properties. However the Water Management Strategy of January 2010 which I have seen has, as an objective, that the surface water run-off should be limited to a rate no greater than the current undeveloped green field site. While there may be an existing problem, as the photograph I was sent appears to demonstrate, the development cannot make the situation worse if the Management Strategy is in place.

*Conditions*

22. A number of conditions were included in the Statement of Common Ground. All are necessary for the reasons stated. While an Indicative Masterplan has been submitted it seems to me that there might be other layouts equally suitable. I see no pressing reason to limit any later reserved matters application to precisely this layout. The terms of the original application limits the total number of units to up to 39; this is satisfactory.
23. For the reasons given above I conclude that the appeal should be allowed.

Gyllian D Grindey  
Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr J Mytton	Solicitor, Wychavon District Council (WDC)
He called	
Mr N Pearce BA(Hons)	Acting Development Manager WDC
MRTPI	

### FOR THE APPELLANT:

Mr J Cahill	QC
He called	
Dr S Mansfield PhD	Director of FPCR Environment & Design Ltd
MIEEM	
Mr S Hawley BA(Hons)	Senior Planner, Harris Lamb Property
MA MRTPI	Consultancy

### INTERESTED PERSONS:

Ms M Tyszkow	4 St James Close, Badsey, Evesham, WR11 7ET
Mrs A Owen	Clerk to and on behalf of Badsey Parish Council

### DOCUMENTS

- 1 Attendance List
- 2 Letter of notification of inquiry & circulation list
- 3 Statement of Common Ground
- 4 Water Management Strategy January 2010
- 5 Letter from Natural England of 27 July 2010
- 6 Statement read at inquiry by Ms Tyszkow
- 7 Letter of 29 July 2010 of I Devine handed in at inquiry
- 8 Letter (undated) & Photograph of J Mansell handed in at inquiry
- 9 e-mail trail Goodman/Hiscock June 2010, handed in at inquiry
- 10 Planning Obligation Deed, signed & Dated
- 11 Opening Statement on Behalf of the Appellants
- 12 Phase 2 revision Table 1 housing figures chart handed in at inquiry
- 13 County of Worcester (Badsey) TPO 1971 plan given at my request
- 14 Inspector's conclusions from Local Plan re appeal site
- 15 Strategic Housing Land Availability Assessment
- 16 Chief Planning officer Letter of 6 July 2010 from Steve Quartermain

Schedule of Conditions attached to outline planning permission ref  
APP/H1840/A/10/2124085

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 12 calendar months from the date of this permission. The development hereby permitted shall be begun before the expiration of 18 calendar months from the date of approval of the last of the reserved matters to be approved or within 30 calendar months from the date of this permission, whichever is the later.

Reason - In accordance with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and so as to ensure that the proposed development is delivered so as to help an immediate need for the delivery of housing and affordable housing.

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

Reason - This permission is in outline only and further details of the reserved matters are required to ensure satisfactory development.

- 3 Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason - To preserve the amenities of the locality.

- 4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason - To ensure the proposed development does not cause avoidable harm to any features of archaeological interest and to ensure that a proper record of the archaeology of the site is recorded.

- 5 Before any other works hereby approved (other than the construction of the alternative bat roost (double garage) referred to in condition 27) are commenced, the access into the application site shall be so constructed that there is clear visibility from a point 0.6m above the level of the adjoining carriageway at the centre of the access 2.4 metres from and parallel to the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow on the area of land so formed which would obstruct the visibility described above and these areas shall

thereafter be retained and kept available for visibility purposes at all times.

Reason - In the interests of highway safety.

- 6 Before any other works hereby approved are commenced, the construction of the vehicular access between the nearside edge of the adjoining carriageway and the highway boundary shall be carried out in accordance with a layout and specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 20.

Reason - In the interests of highway safety.

- 7 Development shall not begin until details of a 2 metre wide footway across the site frontage 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.

Reason - To ensure the safe and free flow of traffic on the highway and to help ensure the development allows for easy accessibility by pedestrians.

- 8 Development shall not begin until the engineering details and specification of the proposed internal roads and its connection to Brewers Lane 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.

Reason - To ensure an adequate and acceptable means of access is available before the any dwelling is occupied.

- 9 The development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed.

Reason - To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 10 All roadworks shall be completed within six calendar months of the substantial completion of 75% of the buildings hereby approved. This will entail the making good of surfacing, grassing and landscaping.

Reason - In the interests of highway safety and convenience and a well co-ordinated development.

- 11 Prior to the first occupation of any dwelling hereby approved secure parking for cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.



Reason - To comply with the Council's parking standards.

- 12 Drainage arrangements shall be provided to ensure that surface water from individual driveways and parking spaces does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Reason - In the interests of highway safety.

- 13 The applicant shall submit a Phase I Contaminated Land Study report to the Local Planning Authority detailing the previous activities and their locations on the site as well as identifying the potential contamination issues associated with such uses. The report should include findings of a site walkover. A risk assessment must be undertaken to determine whether a site investigation is required and this should be detailed in the report supplied. The risk assessment must be approved in writing by the local planning authority before any development takes place.

Reason - To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of re-remediation shall not commence until the following four phases of the condition relating to contamination have been complied with where the Phase I study recommends such investigation. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until the condition relating to unexpected contamination has been complied with in relation to that contamination.

Phase 1 - Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### Phase 2 - Submission of Re-mediation Scheme

Where the approved site investigation report identifies the requirement for remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Phase 3 - Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Phase 4 - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Phase 1 of this condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Phase 2 of this condition, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority in accordance with Phase 3 of this condition.

Reason - To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 15 Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site. The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 The reserved matters submissions shall include details of landscaping/boundary features between the application site and no. 25 Brewers Lane that help reduce noise and disturbance to the neighbouring property by reason of traffic movement using the proposed access. The approved measures along the side boundary of no. 25 shall be provided before any of the dwellings hereby approved are occupied.

Reason: To ensure the proposed development does not cause unnecessary noise and disturbance to the neighbouring residence.

- 17 The application for reserved matters shall include:

1. survey information of all existing trees and hedges on the application site, and branches from trees on adjacent land that overhang the site. The survey shall include for each tree/hedge:

- i) the accurate position, canopy spread and species plotted on a plan.
- ii) an assessment of its general health and stability.
- iii) an indication of any proposals for felling or pruning.
- iv) details of any proposed changes in ground level, or other works to be carried out, within the canopy spread.

2. a landscape scheme which shall include:

- i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas.
- ii) a schedule of proposed planting – indicating species, size at time of planting and numbers/densities of plants.
- iii) a written specification outlining cultivation and others operations associated with plant and grass establishment.
- iv) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

The landscaping scheme shall be provided in accordance with the approved details.

Reason - To preserve and enhance the visual amenities of the area and to ensure the satisfactory development of the site - in accordance with Policy GD2, Policy ENV1 and Policy SUR2 of the Wychavon District Local Plan (June 2006).

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

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

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

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

There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site as may be specified by the Local Planning Authority.

Reason - To prevent existing trees/hedges from being damaged during

construction work and to preserve the amenities of the locality. In accordance with Policy SUR2 and ENV8 of the Wychavon District Local Plan (June 2006).

- 19 Prior to the commencement of development hereby approved the following details shall be submitted to the local planning authority for approval in writing:-

- details on how renewable energy measures are to be incorporated into the proposed development;
- details of measures to conserve and recycling water to be incorporated into the proposed development;
- details of energy efficiency measures to be incorporated into the proposed development; and
- details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials.

The approved measures shall be implemented and incorporated into the approved development in line with a implementation timetable to be submitted and approved in writing by the local planning authority prior to the commencement of development.

Reason - To ensure the prudent use of natural resources.

- 20 A Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include the following:-

- a. Measures to protect the amenities of nearby properties from noise, vibration and dust production during the construction of the development hereby approved; and
- b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc).

The measures set out in the approved Plan shall be carried out in full during the construction of the development hereby approved. Site operatives parking, material storage and the positioning of operatives facilities shall only take place on the site in locations approved by in writing by the Local Planning Authority.

Reason - To protect the amenities of nearby properties during the construction of the development and to protect the water environment from pollution.

- 21 Any reserved matters application relating to the appearance, scale and layout of the development shall include a statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with this planning application. Details to be submitted shall include full details of materials

to be used in the construction of the external appearance of any building.

Reason - In the interests of visual amenity.

- 22 In relation to the requirements of conditions 1 and 2, details of the floor levels of all proposed buildings shall be submitted as part of any reserved matters application(s). Any buildings approved shall be constructed at approved floor levels.

Reason - In the interests of amenity.

- 23 In relation to the requirements of conditions 1 and 2, details of the facilities for the storage of refuse for all proposed buildings within the development shall be submitted as part of any reserved matters application(s). No individual dwelling shall be occupied until approved refuse storage facilities to serve that dwelling have been constructed in accordance with approved details.

Reason - To ensure the proposed dwellings have adequate refuse storage facilities.

- 24 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 this equipment shall be operated and maintained during construction of the development hereby approved.

Reason - To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 25 Prior to the commencement of development, details of scheme for the provision and implementation of a surface water regulation system that includes the use of Sustainable Drainage Systems shall be submitted to the Local Planning authority for approval in writing. A surface water drainage scheme shall be implemented in accordance with approved details prior to the occupation of the first dwelling hereby approved or in accordance with an alternative timetable agreed in writing by the local planning authority. Details shall generally be in accord with the principles of the Water Management Strategy January 2010 document (appeal document 4) or any subsequent equivalent document submitted to and approved by the local planning authority.

Reason - To ensure the provision of an adequate and sustainable drainage system.

- 26 The proposed development shall include the provision of affordable housing of a type, size and location in accordance with the Council's Supplementary Planning Guidance on the provision of affordable housing.

Reason -To ensure the proposed development complies with the Council's policy and guidance on the provision of affordable housing.

27

No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the local planning authority. These measures shall be based on the mitigation strategy contained in section 4.0 of Dr Suzanne Mansfield's Proof of Evidence in relation to ecology, dated June 2010. They shall include:

- Detailed design and position of replacement roosts.
- Details of suitable measures to ensure no bats are harmed by the demolition of the dwelling at 27 Brewers Lane.
- A schedule of works including the timings of avoidance, mitigation and enhancement measures.
- Details of additional roosting opportunities to enhance roosting habitat for the local bat population.
- Retention, protection and reinforcement of hedgerows and boundary trees identified as being important for foraging and commuting bats.
- Details of the lighting in relation to new bat roosts and foraging corridors.
- Provisions for the management in perpetuity of the bat roosts and foraging / commuting habitats.

The approved mitigation strategy shall thereafter be implemented in full in accordance with the approved details and timings, unless otherwise approved in writing by the local planning authority.

Reason: To ensure the proposed development avoids / minimises harm or risk of harm to protected species and enhances the overall biodiversity value of the site.

- 28 No development shall take place until details of the design of the surface water out-fall pipe where it lead to/connects into the existing culvert/brook to the north of the application site have been submitted to and approved in writing by the local planning authority. Such details shall include drawings showing the existing culvert and any works proposed to it. No dwelling(s) hereby approved shall become occupied until the drainage works have been carried out in accordance with the approved details.

Reason: To ensure the proposed development does not exacerbate any flood risk.