



Appeal Decision

Hearing held on 31 July 2012

Site visit made on 31 July 2012

by David Morgan BA MA MRTPI IHBC

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

Decision date: 25 September 2012

Appeal Ref: APP/H1840/A/12/2171973

Land rear of Sunnyhill House, Stoke Road, Wychbold, Droitwich WR9 0BT

- 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 Wychbold Developments LLP against the decision of Wychavon District Council.
 - The application Ref W/11/02571/OU, dated 15 November 2011, was refused by notice dated 23 February 2012.
 - The development proposed is outline application for 36 dwellings of which 11 will be affordable with all matters reserved other than access.
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Decision

1. The appeal is allowed and planning permission granted for outline application for 36 dwellings of which 11 will be affordable with all matters reserved other than access at land rear of Sunnyhill House, Stoke Road, Wychbold, Droitwich WR9 0BT in accordance with the terms of the application, Ref W/11/02571/OU, dated 15 November 2011, subject to the conditions set out in the schedule at the end of this decision.

Procedural matters

2. The address used in the formal decision and template above is that taken from the appeal form and Council decision notice rather than that on the planning application as this more accurately identifies the appeal site.
3. The application was made in outline with all matters bar access reserved; the appeal has been determined on this basis.
4. The appellant submitted two amended drawings with the appeal documents, asking that they be considered under the terms of the Wheatcroft High Court Judgement which allows consideration of such material with the proviso that the interests of no other party would be compromised by so doing. The first amended drawing comprises the location plan which has been changed to more accurately reflect the boundary of the site. The second comprises the detailed drawing illustrating the junction of the access to the site with Chequers Lane. This amends the configuration of the traffic island or splitter and revises the treatment of some of the details associated with it. The latter drawing at least was submitted to the Council on the 12 and 31 of January 2012, has been uploaded onto their web site, has been the subject of public advertisement and has been included in the appellant's documentation for the appeal.

5. Whilst the Planning Inspectorate's Good Practice Advice Note 10/2009 discourages the submission of late material, in these circumstances, mindful of the Wheatcroft principle, I do not consider anyone's interest would be compromised by the acceptance of these documents in this case. The first is a more accurate representation of the site, the second has the effect of further restricting vehicular movement wishing to turn right and in aesthetic terms represents an improvement on the previous iteration. It has in any case been comfortably within the public domain.
6. A unilateral undertaking was submitted with the appeal facilitating the scheme of affordable housing and financial contributions towards education provision, cycling strategy, on and off site public open space, leisure facilities, recycling measures, transport strategy and the implementation of the Traffic Regulation Order. This is considered against the regulatory tests of the Community Infrastructure Levy below. The Council accept that the submission of this document addresses reasons for refusal 3-8 on the decision notice and these matters are no longer pursued.
7. On the 27 March 2012 the Government published the National Planning Policy Framework (henceforth referred to as '*The Framework*'). The main parties have been consulted on and have responded to the document and this has been taken fully into account in the reasoning below.

Main Issues

8. These are a) whether the Council can demonstrate a five year housing land supply and whether the housing and constraint policies of the development plan can be judged up to date in light of the policies of The Framework, b) whether, if the proposals were unable to effectively restrict the right-turning of vehicles into Chequers Lane, the development would generate increased traffic movements at the Stoke Road junction which, due to existing traffic volumes and limited visibility, would be prejudicial to the safety of highway users and c) whether the proposal, specifically the highway works to the junction, would be harmful to the rural character and appearance of the area.

Reasons

9. The appeal site comprises a parcel of land on the southern margins of Wychbold, a substantial village located midway between Droitwich Spa and Bromsgrove, on the junction of the A38 with the M5 motorway. The site lies between the existing limit of the residential area of the village and Stoke Road, a busy classified road that links the industrial estate at Stoke Prior with the M5. This road, running to the south of the village, in conjunction with Chequers Lane leading to the old A38, would form the two main exits from the site for those wishing to join the M5 and A38. The appeal site itself would be accessed off Chequers Lane, the axial north – south route through the settlement.
10. The appeal proposals comprise 36 dwellings and associated open space suggested in the indicative layout plan presented with the appeal. The access from the site onto Chequers Lane is configured so as to prevent vehicles turning right into the lane and thus seeking egress from the village via Stoke Road. This necessitates a traffic Island that physically restricts such a traffic operation with kerbing, infrastructure and signage which reinforces the requirement to only exit the site by turning left; a proposed traffic order would legally enforce such a directional requirement.

Housing land supply

11. The site lies outside the development boundary of the village and on these terms, stands contrary to policy GD1 of the Wychavon District Local Plan 2006 (WDLP) which seeks to concentrate development within established settlements. However, the site is also subject to policy SR9 as a result of the site being identified as within an Area of Development Restraint. This is in effect a safeguarded land designation that determines the land, whilst safeguarded, will not be released unless and until it is required for development in a future review of the local plan, an approach that remains consistent with paragraph 85 of The Framework. On this basis the proposals, bringing forward development on the site ahead of the local plan review (still apparently some way off), render it also contrary to policy SR9 of the WDLP.
12. This may be the case, but paragraph 49 of The Framework requires that residential development be considered in the context of the presumption in favour of sustainable development, and where relevant policies for the supply of housing are not considered up to date, requires they be considered against the fourth bullet point of paragraph 14 of the same. This requires that 'where the development plan is absent, silent or the relevant policies are out of date decision makers are to grant permission unless (inter alia) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole'.
13. The Council state in evidence that the current housing land supply is very fluid, with the figure close to the five year supply (5.03 years – or 4.8 with the 5% buffer required by paragraph 49 of The Framework) by their own assessment against their preferred targets established by the GVA Grimley Strategic Housing Market Assessment (SHMA). This suggests a figure of 430 dwellings per annum (DPA) giving a total of 2152 over the 5 year period. Furthermore, they have moved proactively to bring forward 'off-plan' development to meet the projected figure despite the difficult delivery conditions of the current economic climate. But this figure is very vulnerable to challenge, as this Inspector concluded in the Broadway Road Evesham case¹ (not published at the time of this Hearing). Here the SHMA figure was identified as but one of a range of evidence options that may be used in the emerging South Worcestershire Development Plan (SWDP), still a long way off adoption, and not yet the subject of public examination. In the Broadway Road decision it was the West Midlands Regional Spatial Strategy Phase II option² (RSS) that was to be preferred because, although not formally adopted, it has a robust evidence base, it has been the subject of consultation and examination and so remains the most robust measure of housing requirement in the area.
14. The RSS projects a DPA of 607 with a 5 year total of 3033 over the plan period. It follows that if the higher RSS numbers are used the 5 year supply falls – to 3.6 years, significantly below The Framework target; with the 5% buffer added this drops to 3.4 years. However, if the 20% buffer is added to take account of persistent under delivery, again as required by The Framework, the SHMA figure falls further to 4.2% and the RSS figure to 3 years. As in the Broadway Road³ decision, and as identified by the appellant in this case, there has been a

¹ Appeal Re: Appeal Decision APP/H1840/A/12/2169007

² Note adopted as part of the development plan in light of the Secretary of States intention to abolish it but the evidence base for which, as indicated by paragraph 218 of The Framework, may still be afforded weight.

³ Ibid 1.

pattern of under-delivery over the period of the RSS projection in the District. In this context, and without need to discuss the nuances of the delivery of existing sites with planning permission explored there and updated at the Hearing (and incorporated into the Council's housing supply projections), a five year supply of deliverable housing sites has not been clearly demonstrated, a conclusion accepted by the Council orally at the Hearing. On this basis both policies GD1 and SR9 of the WDLP cannot be considered up to date. It falls therefore for the proposals to be considered against the presumption in favour of sustainable development set out in paragraph 14 of The Framework and specifically against bullet point 4 therein.

15. Wychbold, as a settlement, is rated 'very high' by the Council in accessibility terms as defined in Annex 2 of the WDLP, a rating carried forward as category one in the emerging SWDP; Wychbold is therefore on these terms, in a very sustainable location. Although members of the local community challenged this, suggesting school place provision and public transport availability were less than sustainable, no evidence was presented that significantly challenged the sustainable status of the settlement agreed by the main parties. Moreover, although a third party suggested there were easements on the land and rights of way that may impede the development coming forward, these were not reflected in the Land Registry responses which do not support the suggestion there are any incumbencies on the site. On the basis of the evidence before me therefore, there are no other substantive reasons why the site may not be delivered now. The proposals can then, in the context of paragraph 14 of The Framework, be considered sustainable and deliverable. Whether there are other adverse impacts that may significantly and demonstrably outweigh the benefits of bringing such a scheme forward are matters to which I now turn.

Highway safety

16. Previous proposals had sought access off Stoke Road which, with appropriate visibility splays, would have been supported by the Highway Authority. This could not be achieved however, as the land necessary to accommodate the splays lay outside the ownership of the appellant. The alternative has been to provide an access off Chequers Lane. In its latest incarnation the splitter has been configured to physically prevent all but two potential right turn traffic movement per AM peak-time from the access; such an operation now only theoretically being possible by a super-super (Smart) mini car.
17. The background is complex. The site is approximately equidistant from the A38/M5 junction for travellers from the site either going north along Chequers Lane or south to Stoke Road. The critical factor governing the choice of route for those wishing to get to the junction is the potential for delays at the Chequers Lane/A38 junction, which are longer than those at the Stoke Road junction. The argument follows that travellers from the development would prefer, notwithstanding the hazards of the Stoke Road junction, to use it in preference to the other as it will save time. This, it is asserted, would result in an increase of 15 AM peak-time traffic movements at the Stoke Road junction, so unacceptably increasing the risk to highway users.
18. Such an assertion is not based on directly applicable data, the Highway Authority applies queue-time figures taken in respect of the northern spur of the A38/Chequers Lane junction, not the south, and the three minute duration identified by them was not reflected in my test-runs in the morning and evening peak hours, though these were undertaken out of term time.

Nevertheless, the tendency to opt for Stoke Road is accepted, as is the undesirable hazard to its users that would follow. This is the basis on which the appellant has configured the junction so as to physically and legally prevent a right hand turn into Chequers Lane to approach the Stoke Road junction.

19. The question here then is whether the provision of such an access would in fact determine that those egressing the site would go left to the Chequers Lane/A38 junction as required or alternatively a) seek to manoeuvre around the splitter, b) prior to approaching the splitter, cross to the right hand side of the road and seek to pass to the right of it on the wrong side of the road without being able to see if anyone was coming down the lane seeking to legitimately enter the site or c) leave the site going left and then promptly undertake a three point manoeuvre, allowing them to head south to the Stoke Road junction; the first two being both illegal and potentially dangerous and the latter, whilst not illegal, would at least be potentially disruptive to the free-flow of traffic and convenience of other road users.
20. The Highway Authority and local residents appear convinced that left unsupervised, all three latter scenarios would prevail, with the outcome that the full, anticipated increase of 15 peak-time traffic movements at the Stoke Road junction would result, so significantly increasing the hazard to road users. Is this really the case? Would people regularly seek to manoeuvre around such a carefully configured constraint at peak times, incurring delay in itself and the displeasure of other law abiding road users? Would people really risk their safety, their children's and that of other road users by crossing to the wrong side of the road, passing the wrong side of the splitter and turning into the road, all without being sure whether a vehicle was travelling lawfully down the hill? It may be that someone may occasionally turn left and then try a three point turn to travel south to the Stoke Road junction, whether to the inconvenience or annoyance of other road users or not. But to wilfully and flagrantly break the law and endanger the lives and property of themselves and others on a daily basis is, to my mind, simply unconscionable. The expectation surly, rightly, must be that the great majority of people, the majority of the time, will do the right thing, both in respect of themselves and of others. In a world where the majority obey the law nearly all of the time, the proposals, restricting as they would do the right turn towards Stoke Road, would not result in the material increase of traffic at this junction so not increasing the hazard to road users. Presented as they are therefore, they are not conflict with policy DC3 of the Local Transport Plan 2 or policy T16 of the Worcestershire Country Structure Plan 2006 to 2011.

Character and appearance

21. Along the greater part of its length Chequers Lane is flanked by residential development, albeit filtered from view by boundary planting and some mature trees; that said, it is not rural in character. However, this picture changes close to the appeal site, where the carriageway width decreases and the mature tree cover grows to form an overarching canopy; the verge and ditches and the absence of street lighting combine to enhance the sense of rurality here, which is discernibly different to that experienced elsewhere along the lane.
22. The main body of the proposals would be well screened behind the existing planting, which could be reinforced by additional planting secured by condition; this would not therefore have a significant impact on the rural character of the

lane. However the access to the development, with its visibility splays, substantial traffic island, lighting and signage would all combine to erode this sense of rurality. I do accept however that these visual incursions could be mitigated by the choice of materials, the quality of signage and again sensitive treatment of the verges, all of which could soften the impact of these works. Nevertheless, even fully mitigated, the access would reduce the sense of rurality in the lane, making the development contrary to policy SUR1 of the WDLP, so causing what I would determine as a moderate degree of harm, which must be weighed against the proposals when considered in the planning balance.

Section 106 agreement

23. There is a demand for affordable housing within the District and within the vicinity of the site. The unilateral undertaking provides for 40% of the total dwellings as affordable homes, with a minimum of 75% social rented units. This is in accord with development plan policy and supplementary guidance on such provision. As such this part of the undertaking accords with the regulatory tests and it may be taken into account in the determination of the appeal.
24. In respect of the Cycling Strategy contribution, the development will create the need for additional travel and dependency on car-borne travel can be mitigated through provision of sustainable transport infrastructure. In accordance with the adopted Council Cycling Strategy and development plan policy SR5, there is an intention to develop a cycling and walking link between Droitwich and Bromsgrove via Wychbold. The contributions are calculated in accordance with the adopted guidance and will relate to the development insofar as this facility will be proximate to the site. It therefore accords with the regulatory requirements and may also be taken into account in the decision.
25. In respect of education contributions, the proposal would result in an increase in pupil numbers and therefore a direct need for additional school facilities at Wychbold First School, Westacre Middle School and Droitwich Spa High School. The education contribution would therefore be necessary and in accordance with WDLP Saved Policy GD3 and the Council's Supplementary Planning Document (SPD) and would satisfy the regulatory tests.
26. In respect of off-site public open space provision, the development would generate increased demand for outdoor recreational facilities in the area. The sum agreed has been calculated in accordance with the Council's Supplementary Planning Guidance (SPG) 'Developer Contributions towards Service Infrastructure' and would be targeted at improvements to recreational pitches adjacent to Wychbold Village Hall, close to the site. Again therefore, the contribution meets the regulatory tests and can be taken into account in the decision. In respect of the on-site provision, there is a need for such provision on-site for future occupiers of the development, there is, as the indicative layouts suggest, the space for such provision which would be self-evidently related to the development. Again therefore, the contribution meets the regulatory tests and can be taken into account.
27. Similarly, the development would increase demand on existing leisure facilities in the environs of the site. Mechanisms for calculating such contributions are set out in SPG and are to be targeted at improved changing facilities at

Wychbold Village Hall. This contribution also meets the regulatory tests and may be taken into account.

28. A contribution is sought for the implementation of the Traffic Regulation Order necessary to facilitate the implementation of the access, and the sum has been calculated in relation to the scope of that provision. Given the sensitivities of the highway issues and the configuration of the access to the development, this is necessary to make the development acceptable and self-evidently related to it. This contribution too meets the regulatory tests and may be taken into account in the decision.
29. Contributions towards the Worcester Transport strategy are also sought. However, whilst it may be accepted that future occupiers, using the road network incorporating the section of the A38 leading to the junction with the M5 (the infrastructure mentioned as being the recipient of contributions to facilitate its improvement) no details of how the sum is calculated are presented, nor are any details provided of the extent of the improvements to the relevant part of the network or the timeframe for its delivery. On this basis the contribution does not meet the tests of the regulations and cannot therefore be taken into account.
30. Similarly, although future occupants would place pressure on existing recycling facilities, and the basis for calculating the contribution is set out in SPD, the facilities to process the projected output are not identified, nor what improvements are required to them in order to accommodate these outputs. For these reasons the contribution fails the regulatory tests and cannot be taken into account as a result.

Planning balance and conclusions

31. I have found there to be a moderate degree of harm the character and appearance of the area as a result of the creation of the access to the proposals, and this must weigh against it. But I have found that no material harm to the safety of road users would result as a consequence of the configuration of the junction. Moreover, the effect on local infrastructure can be effectively mitigated through the provisions of the unilateral undertaking. More significantly, the proposals are both deliverable and sustainable, and have to be viewed in a policy context where the housing restraint policies of the development plan cannot be judged up to date. The harm found in respect of character and appearance of the area does not significantly and demonstrably outweigh the benefits of bringing forward market housing and affordable housing in a sustainable development now. In this context the development can be held to accord with the presumption in favour of sustainable development set out in paragraph 14 of The Framework which, in this case, must carry more weight than the relevant though out-dated policies of the development plan.

Conditions

32. The appeal being allowed, conditions are attached requiring the submission of reserved matters within six months of the date of this permission, reflecting the urgent need for the delivery of housing sites within the District; further conditions are added requiring the specific matters to be submitted and ensuring their compliance with the content of the Design and Access Statement, for the avoidance of doubt and in the interests of sound planning.

- A condition is attached requiring that the development not exceed two storeys in height to ensure it is appropriate to its context and to safeguard the living conditions of adjacent occupiers; similarly a condition is attached requiring the prior submission for details of existing and proposed floor levels to ensure compatibility with context and to safeguard living conditions.
33. A condition is also attached requiring submission of details of foul drainage for the site to ensure a satisfactory means of drainage is available to serve the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. Conditions are also attached requiring that the reserved matters incorporate measures to record all trees on the site, that a landscaping scheme should be prepared, that such trees identified are retained unless agreed otherwise by the Local Planning Authority, that such trees should be appropriately protected during construction, that there be no burning of material within these areas (or any other areas) and that any identified trees are replaced and that details of all boundary treatments are submitted to and agreed in writing by the local planning authority, all to ensure an acceptable level of screening of adjacent properties and to secure a satisfactory appearance to the site.
34. A condition is also attached requiring the submission of details of renewable energy measures, water conservation, energy efficiency and details of sustainable materials used in the development, all to ensure the prudent use of natural resources in the development. A condition is attached requiring that details of waste storage are submitted, to ensure the proposed dwellings have adequate refuse storage facilities. Conditions are attached requiring the submission of a construction management plan and the restriction of the hours of the operation of the site, both to safeguard the living conditions of adjacent occupiers. A condition is attached requiring the submission of details outlining the phasing of the site to ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities.
35. A condition is attached requiring the submission of a Site Waste Management Plan to protect environmental assets and ensure the development is carried out without unnecessarily waste of resources. A condition is attached requiring a detailed programme of archaeological work, including a written scheme of archaeological investigation, which shall be submitted to the Local Planning Authority to ensure that any such archaeological remains on the site are appropriately safeguarded and recorded. Finally conditions are attached requiring the submission of engineering details restricting the access to Chequers Lane and that the permitted Traffic Regulation Order prohibiting right turn movements onto Chequers Lane be implemented prior to the first occupation of the dwellings, both to ensure the safe and free flow of traffic onto the highway.
36. For the avoidance of doubt and in the interests of sound planning I have also attached a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as they related to the revised location plan and to those matters not reserved.

37. For the reasons given above, and having considered all matters raised in evidence and at the hearing, I conclude that the appeal should be allowed.

David Morgan

Inspector

Schedule of conditions

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 6 months from the date of this permission. The development hereby permitted shall be begun before the expiration of 9 months from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. 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.
4. No building on any part of the development hereby permitted shall exceed 2 storeys in height.
5. 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 applications. Any buildings approved shall be constructed at approved floor levels.
6. Prior to the commencement of development details of foul water drainage works to serve the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an implementation timetable and the approved drainage systems shall be carried out in accordance with the approved details and implementation timetable.
7. 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 plan shall also include the provision of a suitable landscape buffer along the Stoke Road boundary. The development shall be carried out in accordance with the approved details.

8. 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 5837:2012, 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.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

Development shall be carried out and retained in accordance with the approved details.

10. Notwithstanding the information submitted with the application and prior to the commencement of development hereby approved the following details shall be submitted to the Local Planning Authority for approval in writing:-

- details on how renewable energy measures are to be incorporated into the proposed development;
- details of measures to conserve and recycle 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 an implementation timetable to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development.

11. 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.

12. 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 in writing by the Local Planning Authority.

13. 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.

14. No development work shall be carried out until details of phasing for the approved development has been submitted and approved by the Local Planning Authority. The phasing plan shall include details of:-

- the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved phasing plan.

15. Prior to the commencement of development, a Site Waste Management Plan shall be submitted for approval in writing to the Local Planning Authority.

The Plan shall include commentary and details on the issues set out in the submitted Waste Statement. The development shall be carried out in accordance with the approved Plan.

16. No burning shall take place on the site during demolition and construction.

17. A) No development shall take place until a programme of Archaeological Work, including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

18. Prior to the commencement of the development hereby permitted engineering details of the restricted access onto Chequers Lane shall be submitted 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.

19. Prior to the occupation of any dwelling hereby permitted a traffic regulation order prohibiting right turning movements onto Chequers Lane shall be implemented.
20. The development hereby permitted shall be carried out in accordance with the following approved plan No STH2630-004E and revised location plan but only in respect of those matters not reserved for later approval.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr P Frampton BSc TP MRICS MRTPI	Framptons,
Mr O Taylor BSc (Hons) MSc (Dev. Plan) MRTPI	Framptons,
Mr P John MICE, IHT	JMP Consultants Ltd
Miss H Morton MSc	JMP Consultants Ltd
Mr R Brown MSc	
Mr A Wallis ARIBA Architect	

FOR THE LOCAL PLANNING AUTHORITY:

Ms Lynn Bailey BA (Hons) MA MRTPI	Wychavon District Council
Mr F Davis MA	Wychavon District Council
Mr N Pearce	Wychavon District Council
Mr B Sharp I.Eng, AMICE	Worcester County Council

INTERESTED PERSONS:

JM Crocker
Mrs A Keane
Mr and Mrs P Povey and Mr P Povey
Mr and Mrs FM Yardley
G Khoets
N O'Leary
S Shinn
Mr I Hollingworth

Documents presented at the Hearing

1. Appearances - appellant
2. Letter of notification of the Hearing – Council
3. Letter from highway authority – Council
4. Appellant's position statement – appellant
5. 5 year land supply table – Council
6. Housing commitments and completions table – Council
7. Highway authority rebuttal statement – Council
8. Council's comments on unilateral undertaking – Council
9. Wychbold Village Plan - Council