

Appeal Decision

Hearing held on 19 April 2016

Site visit made on 19 April 2016

by Jonathan Manning BSc(Hons) MA MRTPI

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

Decision date: 19 May 2016

Appeal Ref: APP/D0840/W/15/3129840

Land at Swanpool Road, Falmouth, Cornwall

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Linden Cornwall Limited against the decision of Cornwall Council.
 - The application Ref PA14/12058, dated 19 December 2014, was refused by notice dated 7 July 2015.
 - The development proposed is residential development of 28 dwellings (including 11 affordable homes), provision of access, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of 28 dwellings (including 11 affordable homes), provision of access, landscaping and associated works at Land at Swanpool Road, Falmouth, Cornwall, in accordance with the terms of planning application ref PA14/12058, dated 19 December 2014, subject to the planning conditions in the attached schedule.

Application for costs

2. At the Hearing an application for costs was made by Linden Cornwall Limited against Cornwall Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The application form refers to a development for 32 dwellings, however, I understand that the scheme was amended to 28 dwellings during the Council's determination of the application. This is reflected in the decision notice and the appeal form. I have therefore determined the appeal in accordance with the development description set out within the decision notice and the appeal form.
 4. At the start of the Hearing, a number of new documents were submitted on behalf of the Falmouth Bay Residents Association. This, most notably, included a landscape character assessment that had been recently undertaken to support the emerging Falmouth Neighbourhood Plan. It became apparent that the documents had been submitted to the case officer some time before the Hearing, but they had been returned as being after the deadline for comments as part of the appeal consultation. At the Hearing, I set out that I would not turn the additional evidence away, but I would need to ensure that the appellant in the interests of natural justice had a suitable period of time to
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consider the evidence that it had not seen until the day of the Hearing. Given the lateness of the evidence and its nature, it was necessary for me to set out that there could be cost implications if the additional evidence resulted in any lengthy adjournment to the Hearing. All parties were given some time to consider their position over a short adjournment. When the Hearing was resumed, the evidence was withdrawn and for the avoidance of doubt, I have not had regard to any of the new evidence that was provided in this regard.

5. Before the Hearing, the appellant as part of the Statement of Common Ground with the Council had prepared a Habitats Regulation Screening Report, following on-going discussion with the Council and Natural England. Further, an Economic Assessment and an appeal decision (APP/D0840/W/15/3139301, dated 18 February 2016) and an associated photomontage were also provided by the appellant before the Hearing. The Council confirmed that it had had a sufficient period of time to consider the documents. In addition, copies of all of the documents were provided to third parties at the beginning of the Hearing and I suggested that these were considered over the adjournment for lunch. When the Hearing resumed after lunch, I asked interested parties if they had had suitable time to consider the additional documents and no one raised any concern or requested additional time. Consequently, I consider that no parties have been prejudiced by the appellant's additional evidence.
6. The Council's second reason for refusal relates to the absence of a planning obligation to secure necessary infrastructure provisions. At the Hearing, an agreed, signed and dated Section 106 agreement was provided that secures affordable housing; off-site open space and sports; a transport contribution; recreational management of the Fal and Helford Special Area of Conservation (SAC); and the management of surface water. The Council confirmed at the Hearing that the second reason for refusal had now been overcome. From the evidence before me, I consider that the requirement for each of these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework or NPPF) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Further, at the Hearing, the Council confirmed that where applicable the sought contributions comply with CIL Regulation 123, in terms of the maximum number of pooled resources. As a result, I have not considered such matters further in my decision.

Main Issue

7. As a result of the evidence that is before me and having regard to the above preliminary matters, I consider that the main issue of the appeal is the effect of the proposal on the character and appearance of the area, having particular regard to the adjacent Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

Context

8. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the National Planning Policy Framework (the Framework). Further to this, the Framework at Paragraphs 14 and 49 identifies that there is a presumption in favour of sustainable development.

9. Paragraph 49 of the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The Council accepted at the Hearing that at the present time it is not able to demonstrate a five year housing land supply. Consequently, the Council's policies that relate to the supply of housing are out-of-date.
10. In such circumstances, Paragraph 14 of the Framework advises that where policies relating to the supply of housing are considered to be out-of-date, permission should be granted unless 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. This balancing exercise is undertaken at the end of my decision.

Character and appearance

11. The appeal site is located off Swanpool Road and is currently formed by relatively small open fields, with some mature vegetation. The topography of the land falls steeply to the north and east towards the coast. This results in the appeal site being situated in an elevated position when viewed from the north and east. The Cornwall and Isles of Scilly Landscape Character Study (2008) identifies that the site lies within Area CA13 Fal Ria, Truro and Falmouth. This area owes much of its character to the interlocking ria system, with creeks and rivers forming steep valleys that are largely wooded. The appeal site is also adjacent to the character area CA9 Helford Ria, which is also characterised by a ria, with steeply sloped wooded river and stream valleys.
12. The appeal site does not have any formal landscape designations, but the Cornwall AONB lies immediately to the south on the other side of Swanpool Road. The Framework at Paragraph 115 sets out that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
13. As part of my site visit, I observed the appeal site from the surrounding area, including from within the AONB, along the South West Coastal Path, from Swanpool and from the west along Swanpool Road. It is clear that this is an attractive area and it is evident from the interest in this appeal that it is highly valued by local residents and tourists. Despite this, I consider that the appeal site is of local value and is not a valued landscape in terms of the Framework, which is a view shared by the Council and the appellant. For the avoidance of doubt, I also consider that the immediate area around the appeal site is not 'undeveloped coast' in terms of that specifically mentioned in Paragraph 114 of the Framework.
14. When approaching from the west along Swanpool Road, the built development associated with the golf course, including its car park and access, along with the modern residential development opposite are evident. The road then becomes more rural in nature as it passes the appeal site, which is largely screened from the road due to the mature vegetation on its boundary. However, the rural context is relatively limited, as the road sweeps around the eastern boundary of the appeal site where built development then comes into view. In contrast, the opposite side of Swanpool Road is rural in nature and marks the start of the AONB. On the site visit, it struck me that Swanpool Road appears to indicate a marked boundary between the settlement edge on

one side and the open countryside on the other to the south of the appeal site. Consequently, I consider that when approaching from the west, the appeal site has a demonstrable relationship with the existing settlement edge and the built development in this location, particularly as it falls inside of Swanpool Road and is surrounded by development on three sides.

15. When the appeal site is viewed from the south, most notably from the coastal path that approaches from the AONB, the proposed dwellings would not be easily visible, other than those dwellings on the eastern part of the appeal site and the odd roof of the proposed dwellings. The appellant has provided a photomontage of the scheme from the south of the appeal site along the coastal path, which illustrates this view. The limited visibility is due to the topography of the area and the existing vegetation. Views from the south are also set against the backdrop of a significant amount of built development. Consequently, any views out of the AONB would not be affected by the proposal to any notable degree. When viewed from the east along Swanpool Road, there is already built development in this location that would filter views of the proposal.
16. The appeal site is viewed from several public view points from the north and northeast. This includes the beach, the coastal path as it leaves the immediate area to the north of the beach and from Swanpool (a freshwater lake). It is from these locations where I consider the appeal site to be most prominent. The extent of the proposed built development from these locations would be evident. However, in each case the views are framed with existing built development and the introduction of new residential development would not introduce any new features into the landscape. The existing built development surrounding the appeal site is set at a lower level, but its presence, particularly the buildings immediately to the east of the appeal site, give the impression of an edge of settlement location, particularly when the open countryside is viewed beyond. I observed that when walking around Swanpool, there are many points where housing forms a backdrop to views and in many cases is located on the skyline. The introduction of the proposal in an elevated position above Swanpool would therefore not introduce a new feature into the landscape or views from it.
17. The appeal site would follow the route of Swanpool Road, which, as set out above, I consider to be a notable boundary between the existing built development and the open countryside of the AONB. The appeal site is formed by relatively small fields with dividing hedgerows and vegetation, whereas the AONB is more open with larger fields. The appeal site is also set at a lower level than the majority of the land to the south. I consider that there is a demonstrable difference in character of the two areas. In my view, the proposal would not have the appearance of extending built development out into the countryside. I agree with the appellant that when viewed from the north and northeast (Swanpool, the beach and the coastal path) the open fields of the AONB would still dominate the view. As a result, I cannot agree with the Cornwall AONB Unit that the appeal site is an integral component of the AONB landscape, but I do accept that it does to some degree form part of its setting.
18. I accept that the urbanisation of the appeal site itself will cause some harm to the character and appearance of the area. In addition, to provide the new access some of the mature boundary hedge on the southern boundary of the appeal site would be removed and a new footpath would be provided. This

would further urbanise the area along Swanpool Road. Mature vegetation will need to be removed within the site to accommodate the proposed layout, although, I accept that additional planting is proposed and can be secured as part of landscaping scheme by a planning condition. This in time would help to soften the impact of the proposal. Concern was raised that due to the site's location it can take considerable time for new planting to grow. However, the proposal retains a significant level of existing vegetation and whilst I accept that new planting may take longer to establish than otherwise is normally the case, I see no reason to believe that with the careful selection of plant and tree species, a good level of new planting cannot be achieved.

19. I consider that the proposed density of the proposal at approximately 16 dwellings per hectare and its layout would be in keeping with the residential development in the area, most notably the relatively new housing to the west of the appeal site. The proposed architectural style of the dwellings is contemporary and again reflects that of the neighbouring housing to the west.
20. The heights of the proposed buildings have raised particular concern. I accept that some of the units are greater in height than most other dwellings in the area. However, there is some variation in dwelling heights within the local area. Consequently, I consider that the proposed building heights are not inappropriate given the context of the site, although, I accept that the proposed heights of the buildings would add to the prominence of the proposal in the wider area.
21. Given all of the above findings, I consider that the development of the appeal site will cause some harm to the character and appearance of the area and to a minor degree, to the setting of the AONB, through the urbanisation of the site. However, I consider that this harm is moderated by the presence of other built development and the appeal site's location, which for the reasons given above, I consider has an edge of settlement context and does not form an integral part of the AONB landscape. I am also mindful that the Council has acknowledged that to be able to accommodate the level of new housing anticipated for Falmouth that the edges of Falmouth will need to be extended into the countryside where much of the landscape is of high quality.
22. I acknowledge that the Inspector of a previous appeal decision for a residential development on the appeal site (T/AFF/PO81G/A/86/044470/PS, dated 28 September 1986) for 6 dwellings considered that the scheme in that case would adversely affect both the view towards to the AONB and the setting and character of the edge of Falmouth. However, the previous appeal decision was some 30 years ago and the appellant has set out within their evidence the changes that have occurred to the immediate area since this time. This includes new development at Tremorvah Park, Swanpool Court, Swans Reach, Tremorvah Court and the development of lodges and upgrading of the golf course. It is therefore clear that the local context and character and appearance of the area has changed notably since the previous appeal decision. From the historic maps provided by the appellant and my findings above, I agree that the appeal site now has a much greater relationship with the settlement edge and built development than it did in 1986. I am also mindful that the planning policy context has changed significantly and at the current time the Council cannot demonstrate a five year housing land supply. For all of these reasons, I consider that the previous appeal decision carries limited weight and does not affect my above findings.

23. The Cornwall AONB Unit are of the view that due to the appeal site's location adjacent to the AONB that the presumption in favour of sustainable development and the more rigorous planning balance exercise required due to the absence of a five year housing land supply is not engaged, as set out in the second part of Paragraph 14 of the Framework and footnote 9. However, I am mindful that the appeal site is not located within the AONB and therefore Paragraph 116 of the Framework does not apply. Further, I have found that the appeal site would have only a minor effect on the setting of the AONB. For these reasons, I consider that the presumption in favour of sustainable development is engaged and that there are no restrictive policies in the Framework such as those in relation to the AONB that indicate that permission should not be granted.
24. In conclusion on this main issue, the proposal would result in some harm to the character and appearance of the area and to a minor degree on the setting of the AONB. The proposal therefore runs contrary to Policies 3A and 3D of the Carrick Local Plan (1998). These policies seek to protect the open countryside and areas of landscape value. There is also some conflict with Policies PD8 and GP08.1 of the Cornwall AONB Management Plan (2011), which seek to ensure that development within the setting of the AONB is high quality and would not damage the natural beauty, character and special qualities of the AONB. I also consider that the proposal conflicts with the Framework and the Cornwall Design Guide in this regard.
25. Given all of my findings above, I consider that the identified harm carries a moderate level of weight against the proposed development in the planning balance. This is particularly bearing in mind that great weight should be given to conserving landscape and scenic beauty in AONBs and that I have found that there would be some minor harm to the setting of the Cornwall AONB.

Other matters

26. The proposal would deliver 28 new dwellings, including the provision of 11 on-site units and a financial contribution towards off-site provision. In addition to these social benefits, there would be some associated economic benefits. The level of the Council's shortfall in terms of housing land supply has been discussed within the appellant's evidence. However, the Council accepted at the Hearing that the proposed housing and associated benefits should carry substantial weight in favour of the scheme. The Council also accepted that there was a demonstrable need for both open market and affordable dwellings within Falmouth itself.
27. At the Hearing, interested parties stated that the emerging Falmouth Neighbourhood Plan can suitably provide for the housing needs of Falmouth without the inclusion of the appeal site. I fully acknowledge and commend the preparatory work that is being undertaken to produce the emerging Falmouth Neighbourhood Plan, however, it is at an early stage of production and a draft has not yet been published. Consequently, I must afford it little weight. The need for additional housing in Falmouth has also been questioned. However, I have been provided with little substantive evidence to support such claims. I acknowledge the map provided by the Falmouth Bay Residents Association in Appendix 2 of their appeal statement. However, the emerging Cornwall Local Plan is at an early stage of preparation and therefore I consider that it attracts little weight.

28. Given the above, I consider that the proposal would help to meet a demonstrable need for new open market and affordable homes both within Falmouth and the local authority area as a whole. The social benefits of this and the associated economic benefits, which are also demonstrable, weigh heavily in favour of the scheme and attract substantial weight in the planning balance.
29. Considerable concern has been raised by local residents in relation to the effect of the proposal on highway and pedestrian safety. I acknowledge that Swanpool Road is fairly narrow without any footways for the majority of its length. However, I observed that vehicle speeds are generally low due to the narrow nature of the road. It is evident from the submitted drawings that suitable visibility splays can be achieved. In addition, there is no evidence to suggest that the additional vehicle movements cannot be accommodated on the local road network. I also consider that the proposal makes appropriate provision for on-site parking. Given the above, I consider that the proposal is acceptable in terms of highway safety. Turning to pedestrians, the proposal would provide for improved links. This includes improved footways along Swanpool Road and additional pedestrian routes through the site. I consider that these are benefits of the scheme.
30. The appeal site is located some distance from local services and facilities. The Council has not raised any concerns in this regard and consider that Falmouth is a sustainable location to accommodate new housing, which I agree, given the good level of local services and facilities that it accommodates. I observed on my site visit that with the improved pedestrian links, it would, despite their distance, be feasible for future occupants of the proposed dwellings to walk to the majority of the local services and facilities. Such facilities could also be accessed by bicycle. Further, even if the distance to the local services and facilities did deter some future occupants, any car journey would be very short. I acknowledge that the closest bus stop has a limited service. However overall, I consider that the appeal site is suitably located in terms of access to local services and facilities. I have also been provided with little substantive evidence to suggest that the existing local services and facilities in the area cannot cope with additional housing.
31. The proposal is supported by an Ecological Impact Assessment. This identifies that slow worms are present on the site. The scheme would result in some initial loss of habitat, however, following the imposition of the landscaping scheme there would be a net gain in habitat for slow worms. I am satisfied that suitable measures can also be put in place to ensure that no unacceptable impacts would occur during the construction phase of the scheme. Bats have also been identified, although no roosts were found within the appeal site. I consider that a lighting scheme can be secured by a planning condition to suitably mitigate any potential harm to Bat species. A Landscape and Ecology Management Plan can be secured by a condition that would include the mitigation measures set out within the supporting Ecological Impact Assessment.
32. The proposal would, however, result in the loss of a subsidiary badger sett and three outlier setts, which would need to be closed under a Natural England Development Licence. The Ecological Impact Assessment sets out that as none of the setts are the main sett, no artificial mitigation setts would be required. Mitigation measures can also be put in place during the construction of the

scheme to protect foraging badgers. Whilst the loss of the badger setts are unfortunate, given that they are not the main sett and bearing in mind that the proposal will deliver biodiversity enhancement within the site through the Landscape and Ecology Management Plan, I consider that this matter should not weigh against the scheme.

33. The proposal is supported by a Habitats Regulation Screening Report, following on-going discussion with the Council and Natural England. This concludes that subject to mitigation the proposal would not cause any significant harm to the Fal and Helford SAC or the Falmouth Bay to St Austell Bay pSPA. The suggested mitigation has been secured by the Section 106 agreement and therefore I consider that the proposal is acceptable in relation to this matter. Further, I consider that surface water run-off can be suitably managed to ensure that there would be no adverse impacts on the Swanpool Site of Special Scientific Interest (SSSI) and can be secured by a suitable planning condition and the Section 106 agreement secures the provision of Sustainable Urban Drainage Systems (SUDS).
34. The proposal would result in the loss of some protected trees within the appeal site as a consequence of the internal layout and the proposed vehicular access. The site is the subject of a Tree Preservation Order (TPO). The Tree Quality Survey and Arboricultural Method Statement that supports the application identifies these as being Category B and C trees, which are of moderate and low quality respectively. The proposal is also supported by landscape strategy that illustrates that areas of replacement planting can be delivered in the site to off-set the loss of existing trees within the site. This can be secured by a planning condition. In addition, I am content that suitable tree protection measures can be put in place to protect retained trees within the appeal site during the construction of the scheme. Consequently, I consider that the proposal is acceptable with regard to these matters.
35. Concern has been raised that the scheme would affect the amenity value of Swanpool. However, given my findings above in relation to character and appearance, I consider any harm in this regard would be very limited.
36. Interested parties have also raised a number of other concerns in relation to flooding and drainage; the effect on the living conditions of neighbouring residents, such as loss of privacy and light; noise and pollution during construction; contamination within the site; and the stability of the appeal site. I have considered the evidence in relation to each of these matters carefully. I am of the view that there is no substantive evidence to suggest that with the imposition of necessary planning conditions and the provisions secured by the S106 agreement, the proposal would be unacceptable in regards to any of these matters. I am also mindful that the Council share this view. In addition, I consider that there is no evidence to suggest that there would be any demonstrable impact on tourism in the area.

Planning balance and overall conclusion

37. The Council's policies that relate to the supply of housing are out-of-date. Therefore, Paragraph 14 of the Framework advises that where policies relating to the supply of housing are considered to be out-of-date, permission should be granted unless 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.

38. The proposal would make provision for 28 new dwellings, including affordable units towards the Council's housing land supply. There would also be some associated economic benefits. I consider that these benefits attract a significant level of weight in the scheme's favour, particularly given the Council's position in relation to housing land supply.
39. On the other hand, I have identified that the proposal would cause some harm to the character and appearance of the area, including to a minor degree to the setting of the AONB, which carries moderate weight against the scheme.
40. On balance, I consider that the social and economic benefits of the scheme are not significantly and demonstrably outweighed by the identified environmental harm and the associated development plan conflict. Consequently, the proposal constitutes sustainable development, when the Framework is considered as a whole.

Planning conditions

41. I have considered the suggested conditions against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required. As well as the standard time limit condition, a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty.
42. To ensure the suitable appearance of the proposal, conditions are imposed that require a hard and soft landscaping scheme and details of all external materials to be used in the proposal to be agreed with the Council. To protect existing trees on the appeal site that will be retained, a condition is necessary to secure details of tree protection measures that will be approved by the Council.
43. In the interests of ecology, a condition is imposed that requires a Landscape and Ecology Management Plan (LEMP), including details of all external lighting, to be agreed with the Council. To safeguard the amenity of neighbouring residents, a condition is necessary that requires a Construction Environmental Management and Phasing Plan (CEMPP), including construction working hours, to be agreed with the Council.
44. To ensure that the risks from any land contamination is minimised and mitigated, a condition is imposed that secures an investigation and risk assessment to assess the nature and extent of any contamination on the site and any remediation works if any are necessary.
45. In the interests of highway safety, conditions are necessary that require: details of the estate roads, pedestrian links, footway improvements, vehicular access and visibility splays to be agreed with the Council; and for the access, parking and turning areas to be laid out and constructed in accordance with approved drawings before the dwellings are first occupied.
46. To ensure sustainable development and the promotion of sustainable means of transport, a condition is imposed that requires a Travel Plan to be agreed with the Council. In the interests of the water environment and flood risk, a condition is necessary that requires a surface water management scheme to be agreed with the Council.
47. The Council suggested conditions in relation to the hard and soft landscaping scheme and the CEMPP that included detailed requirements that each must

contain. However, I have removed these in the interests of brevity. The Council will be able to negotiate the contents of each of these plans or schemes and ultimately holds the power to discharge the condition.

48. A number of the above imposed conditions relate to pre-commencement activities. In each case, I am satisfied that the requirement of the conditions are necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission.

Overall Conclusion

49. For the reasons set out above and having regard to all other matters raised, including the strong concerns of the local MP, Falmouth Town Council, the Falmouth Civic Society, the Falmouth Bay Residents Association and local residents, the appeal is allowed.

Jonathan Manning

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Collier	Collier Planning (Agent)
Clare Brockhurst	Tyler Grange
Alan Swan	Peter Brett Associates LLP
Matthew Jones	EAD Ecology
Eilir Sheryn	VES Architects
Caroline Wheeleker	Linden Homes (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Peter Blackshaw	Cornwall Council
Alan Jewell	Councillor Cornwall Council
Kath Statham	Cornwall Council

INTERESTED PARTIES

James Evans	Cornwall AONB Unit
Candy Atherton	Councillor
Mike Jenks	Falmouth Civic Society
David Yelland	Falmouth Bay Residents Association
Anthony Hallam	Falmouth Bay Residents Association
Malcolm Leather	Local Resident
John Scott	Local Resident
John Bastin	Councillor
Broderick Ross	Councillor
Lynn Newsham	Local Resident

DOCUMENTS PROVIDED AT THE HEARING

1. Appeal hearing notification letter, submitted by the Council.
2. Signed and dated Section 106 agreement, submitted by the appellant.
3. List of agreed planning conditions, provided by the Council.
4. Extract from the GLVIA Third Edition Guidance, provided by the Council.
5. The Council's response to the appellant's costs application.

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following approved plans:
 - PL01 P1 (Location Plan)
 - PL03 P5 (Proposed Site Plan)
 - PL04 P4 (Site Elevations North and East)
 - PL05 P4 (Site Elevations South and West)
 - PL06 P3 (House Type A Plans)
 - PL07 P2 (House Type A Elevations)
 - PL08 P1 (House Type B Floor Plans)
 - PL09 P1 (House Type B Elevations)
 - PL10 P1 (House Type C Floor Plans)
 - PL11 P1 (House Type C Elevations)
 - PL12 P2 (Apartment Building D Floor Plans – Sheet 1)
 - PL13 P2 (Apartment Building D Floor Plans – Sheet 2)
 - PL15 P2 (Apartment Building D Elevations – Sheet 1)
 - PL16 P2 (Apartment Building D Elevations – Sheet 2)
 - PL17 P2 (Apartment Building D Elevations – Sheet 3)
 - PL18 P3 (House Type E Floor Plans)
 - PL19 P3 (House Type E Elevations)
 - PL20 P1 (House Type F Floor Plans)
 - PL21 P1 (House Type F Elevations)
 - PL22 P1 (House Type G Floor Plans)
 - PL23 P1 (House Type G Elevations)
 - PL27 P3 (Site Layout Detail of Plot 1)
 - PL28 P2 (Shading Analysis of Units 1 and 2)
 - PL29 P3 (Section Through South Boundary - Section BB)
 - PL30 P3 (Section Through South Boundary - Section CC)
 - PL31 P2 (House Type H Floor Plans)
 - PL32 P1 (House Type H Elevation)
 - 1938/P10G (Landscape Strategy)
- 3) No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out in accordance with the approved details in the first planting season following the occupation of the development, or the completion of the development hereby approved, whichever is sooner. Any trees or plants, which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.

- 5) Prior to the commencement of any works associated with the development, a scheme depicting the method by which trees and hedges shall be protected during the course of the development shall be submitted and approved in writing by the local planning authority. The scheme shall identify a Root Protection Area (RPA) that will be enclosed by tree protection fencing which will be erected in accordance with the specification given in the British Standard BS 5837. The tree protection fencing will be erected prior to commencement of any works associated with the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected area. The development shall be implemented in accordance with the agreed tree protection methods.
- 6) Prior to any development commencing, a Landscape and Ecology Management Plan (LEMP), including details of all external lighting, shall be submitted to and approved in writing by the local planning authority. The LEMP will address the following: implementation, improvement and mitigation of ecology and biodiversity of the development (in accordance with the Design and Access Statement and the Ecology Reports); and the appointment of an ecological clerk of works. The development will be undertaken in accordance with the approved details and timings agreed within the LEMP.
- 7) No development shall take place until a Construction Environmental Management and Phasing Plan (CEMPP), including construction working hours, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMPP.
- 8) No development, other than that required to be carried out as part of an approved scheme of remediation, shall commence until criteria 1 to 4 below have been complied with:

Criteria 1: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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; and
 - archaeological 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'.

Criteria 2: Submission of Remediation Scheme

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 submitted to and approved in writing by 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.

Criteria 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 (sometimes referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Criteria 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 and development must be halted on that part of the site affected by the unexpected contamination, to the extent agreed by the local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of criteria 1, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of criteria 2, which is subject to the approval in writing of the local planning authority. Following the completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority in accordance with criteria 3.

- 9) No development shall take place until details of the estate roads, pedestrian links, footway improvements, vehicular access and visibility splays 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 no dwelling shall be occupied until the approved estate roads, pedestrian links, footway improvements, vehicular access and visibility splays have been constructed.

- 10) Before any dwelling hereby permitted is first occupied, the access, parking and turning areas shall be laid out and constructed in accordance with approved drawings. Thereafter, these areas shall not be obstructed or used for any other purpose.
- 11) No dwelling hereby permitted shall be occupied until a Travel Plan for all aspects of the development hereby permitted has been submitted to and approved in writing by the local planning authority, in consultation with the local highway authority. The Travel Plan shall include as a minimum:
 - the identification of targets for trip reduction and modal shift;
 - the methods to be employed to meet these targets;
 - the mechanisms for monitoring and review;
 - the mechanisms for reporting the penalties to be applied in the event that targets are not met;
 - the mechanisms for mitigation;
 - implementation of the Travel Plan to an agreed timescale and its operation thereafter; and
 - mechanisms to secure variations to the Travel Plan following monitoring and reviews.

A review of the targets within the agreed Travel Plan shall be undertaken within 3 months of occupation of the first phase/part of the development, and on an annual basis thereafter, at the time of the submission of the Annual Travel Plan Report. The Annual Travel Plan Report shall be made available to the Council upon request.

- 12) No development shall commence until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the local planning authority. The details shall include:
 - details of the drainage during the construction phase;
 - details of the final drainage scheme;
 - provision for exceedance pathways and overland flow routes;
 - a timetable of construction;
 - a construction quality control procedure; and
 - a plan for the future maintenance and management of the system and overland flow routes.

Prior to the first occupation of the site, it shall be demonstrated to the satisfaction of the local planning authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details.