



Appeal Decisions

Hearing held on 17 May 2023

Site visit made on 18 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2023

Appeal A Ref: APP/J1860/W/22/3300301

**Land north of Collett's Green Road, Collett's Green, Powick, Worcester
WR2 4RY**

- 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 H2Land Ltd against the decision of Malvern Hills District Council.
 - The application Ref M/22/00117/OUT, dated 27 January 2022, was refused by notice dated 26 April 2022.
 - The development proposed is for the erection of up to 4 dwellings.
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Appeal B Ref: APP/J1860/W/23/3316416

**Land north of Collett's Green Road, Collett's Green, Powick, Worcester
WR2 4RY**

- 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 H2Land Ltd against the decision of Malvern Hills District Council.
 - The application Ref M/22/01062/OUT, dated 13 July 2022, was refused by notice dated 29 November 2022.
 - The development proposed is for the erection of up to 4no. self-build dwellings.
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Decision

1. Appeal A is allowed and planning permission is granted for the erection of up to 4 dwellings at land north of Collett's Green Road, Collett's Green, Powick, Worcester WR2 4RY in accordance with the application, Ref M/22/00117/OUT dated 27 January 2022 subject to the schedule of conditions at the end of this decision.
2. Appeal B is allowed and planning permission is granted for the erection of up to 4no. self-build dwellings at land north of Collett's Green Road, Collett's Green, Powick, Worcester WR2 4RY in accordance with the application, Ref M22/01062/OUT dated 13 July 2022 subject to the schedule of conditions at the end of this decision.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A relates to a scheme for up to four market dwellings and Appeal B is for up to four self-build dwellings.
4. Appeal A is in outline with access to be considered at this stage. Appeal B is also in outline with access and layout to be considered at this stage. I have determined the appeals on this basis.

5. Illustrative plans accompany both applications and I have paid regard to the layout in so far as assessing the principle of development in land use terms in respect of Appeal A. In respect of Appeal B layout is before me and is indicated by 'build zones' on the submitted plans.
6. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
7. For each appeal the appellant has submitted a signed Unilateral Undertaking (UU) providing contributions towards affordable housing in the district. In respect of Appeal B the UU also secures the development as self-build. I have addressed this in my reasoning below.

Main Issues

8. The main issues in both appeals are:
 - Whether the proposed development would be consistent with local and national policies relating to the location of new housing;
 - The effect of the development upon the character and appearance of the area;
 - The effect upon the significance of nearby listed building Collett's Green Farm House by reason of the impact upon its setting;
 - Whether the proposal would impact upon biodiversity with regard to biodiversity net gain; and
 - Whether the affordable housing contribution is required to make the proposal acceptable in planning terms.

Reasons

Location of site

9. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) outlines the development strategy for new development in the district. Part C sets out that permission for development in the countryside, outside the development boundary of settlements will be strictly controlled to development specifically permitted by other SWDP policies. The policy does not support the provision of market housing or self-build dwellings in countryside locations.
10. The reasoned justification to Policy SWDP 2 states that the high quality of the open countryside is an important attribute of the area. In addition, sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted.
11. The appeal site comprises a former orchard located on the northern side of Collett's Green Road. I was advised at the hearing that the settlement boundary for Powick and Collett's Green does not include land to the north of the road. As such, whilst the site neighbours and sits opposite existing residential development, it is nonetheless located outside of the settlement boundary and within the countryside.

12. I observed on my site visit that there is a surfaced footpath directly opposite the site extending in both directions for a reasonable distance. Footpaths also extend continuously from The Greenway to Malvern Road and provide a suitable walking route to access local bus stops, connecting the site to Malvern and Worcester, and services and facilities locally including the primary school and parish hall. Therefore, future occupiers would not be overly reliant on private vehicles and would be able to access services and facilities on foot and by public transport.
13. Whilst residents in Collett's Green rely on services and facilities in Powick, taking into account the accessibility to local services and facilities I find that Collett's Green is a suitable location for new development and the proposals would serve to enhance and maintain its viability. However, as the developments would not be located within a settlement boundary it would not be an appropriate location for new housing. As such, they would be contrary to SWDP Policy 2.

Character and appearance

14. The village of Collett's Green is characterised by 1960s housing extending from the southern side of Collett's Green Road to Malvern Road. The northern side of Collett's Green Road is characterised by sporadic development set within an agrarian landscape. The existing hedgerow is a predominant feature extending along the northern side of Collett's Green Road. Neighbouring the site is existing residential development in the form of a former cider mill and cottage, albeit they have been extended and altered.
15. There would be encroachment into the countryside and urbanisation of the site resulting from a residential development. This change would be most evident in localised views including along Collett's Green Road and The Greenway. However, it would be experienced in the context of the dwellings neighbouring the site. Albeit indicative, the plots would not be uniform and there would be scope for flexibility in the precise layout, scale and appearance of the dwellings, particularly in regard of the self-build units, at reserved matters stage, to reflect the surrounding context and that maintains an appreciation of the countryside beyond.
16. Whilst the build zones, in respect of Appeal B, identify an area for dwellings there is nothing to suggest that an appropriate scale and layout could not be secured at reserved matter stage that provides an appropriate spatial relationship between buildings in their own right and retained trees. In addition to usable and private amenity space and the proposed green infrastructure.
17. The proposed access road would open up the site and the removal of a section of hedgerow would change the rural character of this part of the road resulting in a more urbanised effect. However, this would be localised to a small area of the road frontage. Furthermore, the hedge would be strengthened through supplementary native species planting ensuring that the hedge would remain the predominant feature when travelling in either direction along the road. The detailed landscaping scheme would ensure that appropriate hedgerow is planted rather than saplings.
18. The protected apple and ash trees scattered along the side boundaries, would be incorporated into the development further greening the site. The built form

would be located beyond the Root Protection Areas and based on the evidence before me neither development would unduly affect their lifespan.

19. The proposed green infrastructure includes wild meadow planting and a pond and that would wrap around the dwellings. On account of its overall size and site coverage it would help to soften the impact of the built form, providing a visual connection and transition between the developments and the countryside to the north and east. Details for the continued management of the green infrastructure, could be secured at reserved matters stage, to ensure that the area would be maintained and managed for the lifetime of the developments.
20. Taking all of the matters above into account, I conclude that the proposed developments would lead to some minor harm to the character and appearance of the area through the loss of open countryside contrary to SWDP Policies 21 and 25. These policies, amongst other things require developments to complement the character of the area and integrate with the character of the landscape setting. There would be some conflict with paragraph 174 of the National Planning Policy Framework (the Framework) which, amongst other things, recognises the intrinsic character and beauty of the countryside.

Setting of listed building Collett's Green Farmhouse

21. Collett's Green Farmhouse is a Grade II listed building with early seventeenth century origins and sits to the north of the site separated by fields. The farmhouse and neighbouring buildings once formed the same farm complex, but now appear to be separate dwellings. The rear elevation, in particular, has special interest featuring a timber frame and original features and faces towards the appeal site and Collett's Green. Its significance is derived from its architectural detailing and its association with historical agricultural activity.
22. Its immediate setting reflects the shift from agricultural practices to a residential use highlighted by modern alterations and additions to the former farm buildings neighbouring the listed farmhouse. These have reduced the significance of the farmhouse to some degree.
23. It is largely accepted that it is unlikely that the site had a functional association with the farmhouse but nonetheless it forms part of the surrounding rural landscape. Despite this, the rural landscape forms part of the setting of this heritage asset and this includes the site.
24. The farmhouse sits on slightly higher ground and its rear elevation is visible from within the site and from viewpoints along Collett's Green Road albeit, filtered by intervening trees. The existing built form along Collett's Green Road is visible from the back of the farmhouse. The surrounding rural context and the views of and from the heritage asset play a part in how the building is experienced and how its rural origins are understood. For these reasons they add to its significance.
25. Developing the appeal site would undermine the rural aspect to the north of Collect's Green Road extending the built form closer to and into the wider setting of the listed farmhouse. However, views of the farmhouse would be retained from the site, and it would not dominate views of the listed building from the surrounding area. The impact would, in part, be mitigated by the landscaping which would serve to soften the developments and assimilate each

into the local landscape while the built form would be set against the modern housing immediately beyond.

26. Interested parties have referred to the site as having a ridge and furrow landform. Whilst its interest is derived from historical agricultural practices, I have not been provided with any evidence from interested parties or the Council that it represents a designated heritage asset or that it has any significance. Moreover, the ridge and furrow is not readily visible disguised by the grassland that extends across the site and produces no visual impression from within the site or from the surrounding area. Accordingly, in my judgement, the loss of the ridge and furrow carries very limited weight.
27. I acknowledge that the proposals would result in change to the surrounding area, however, I am satisfied that in principle a residential development, subject to suitably designed reserved matters would have a neutral impact upon the setting of the Grade II listed Collett's Green Farmhouse and so not harm its significance. As such, the proposed developments would accord with SWDP Policies 6 and 24 which, amongst other things, require developments to conserve and enhance heritage assets, including their setting.

Biodiversity and biodiversity net gain

28. The site is a former orchard enclosed by native hedgerow and mature trees. The Council consider the site to be a priority habitat. The Framework promotes the conservation, restoration and enhancement of priority habitats and opportunities for securing measurable net gains for biodiversity.
29. The appellant has submitted a Preliminary Ecological Appraisal Report (PEA). Whilst the site was formerly an orchard the PEA identifies that it now comprises species poor semi-improved grass undergoing succession to bramble scrub and tall ruderal herb due to nutrient enrichment and a lack of management.
30. The remnants of the orchard remain, and according to the appellant less than 25% of the original planting positions are present. Despite its listing the PEA concludes that the site as an orchard is in decline and as such it is not a habitat of national importance as set out in the Biodiversity Framework.
31. The appellant has produced a Biodiversity Baseline Assessment and Net Gain Calculations Summary Sheet which calculates the biodiversity value of the site pre and post development, using the Warwickshire Biodiversity Impact Assessment metric.
32. In this instance, various proposed mitigation and enhancement measures are set out by the appellant. These include retention of 20% of the grassland habitat; creation of a wetland habitat; new species rich hedgerow and planting of fruit trees demonstrating that biodiversity net gain can be achieved.
33. Despite the above the Council are critical of the biodiversity evidence submitted and do not agree with its conclusions that the impact can be mitigated. In coming to their view, they contend that the value and extent of the orchard has been underestimated and question the use of the Warwickshire metric.
34. I acknowledge that the metric published by the Department of Environment, Food and Rural Affairs differs in terms of assessment criteria compared to the Warwickshire metric. However, it is apparent that there is no one mandatory

approach by which to calculate biodiversity net gain. I therefore take the view that the appellant's methodology is appropriate in this instance.

35. In my judgement very little of the original orchard remains with a handful of damson and pear trees on site, and I have not been provided with any credible evidence to indicate that they are veteran trees. Having paid regard to the appellant's pre-development tree survey it is apparent that the remaining orchard trees on site are dying or decaying.
36. Based on the evidence before me I am satisfied that a robust baseline has been established and I am sufficiently content that a measurable net gain in biodiversity would be achievable in this instance.
37. In coming to my decision, I have paid regard to the priority habitat status of the site. However, much of the site comprises species poor grassland and this combined with the poor condition and small number of orchard trees remaining leads me to conclude that the proposed mitigation and enhancement measures would offset the loss of the existing habitat. These measures could be suitably secured by way of a planning condition including securing its long-term management and features to mitigate the impact of the proposed developments in respect of wildlife and protected species, including bats.
38. For the above reasons, it has been satisfactorily demonstrated that the proposals would have an acceptable effect upon biodiversity having particular regard to biodiversity net gain. As such, the schemes accord with Policies SWDP 5 and SWDP 22 and paragraph 180 of the Framework in so far as these policies support the provision of green infrastructure and the protection and enhancement of biodiversity and geodiversity.

Affordable housing

39. In order to support the appropriate provision of affordable housing in the district criterion B. v. of SWDP Policy 15 states that a financial contribution towards local affordable housing should be made on sites of 5 dwellings or fewer. Paragraph 64 of the Framework permits local planning authorities to seek affordable housing on smaller sites in designated rural areas.
40. The site is located within a designated rural area - consequently the appellant has provided a signed and dated UU, for each appeal, as the mechanism by which to deliver contributions towards affordable housing in the district in accordance with Policy SWDP 15.
41. I am content that the contributions would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). I find that the submitted UUs overcome the Council's concerns in relation to this matter.
42. As such, the proposed developments would accord with SWDP Policy 15 and paragraph 64 of the Framework which, amongst other things, seek to secure appropriate affordable housing.

Five-year housing land supply

43. The approach towards the delivery of development in the SWDP area is a collaborative one between Worcester City, Malvern Hills and Wychavon, and this is enshrined in SWDP Policies 2 and 3.

44. It is agreed that as the SWDP is over 5 years old the standard method to calculate the Council's housing land need (HLN) should be applied to determine the Council's 5-year housing land supply (5YHLS) position. The Councils have published the South Worcestershire Council's Five-Year Housing Land Supply Report Addendum, in April 2023. The addendum has sought to re-examine both the housing need and supply position across the South Worcestershire authority areas. It includes updated delivery rates on housing sites, which in turn has impacted upon lapse rates.
45. Moreover, the Council's HLN has been updated based on the Office for National Statistics house price to workplace-based earnings ratio dataset published in March. This has led to an adjustment to the affordability ratio that is used in the standard method for calculating housing land supply. The consequence of this is that the identified need in the district has been revised downwards.
46. The spatial strategy identifies two urban extensions to Worcester that lie outside of its administrative boundary and within Malvern Hills and Wychavon respectively known as WWA (Malvern Hills) and WWA (Wychavon). Malvern Hills is also constrained partly due to the Malvern Hills Area of Outstanding Natural Beauty and other natural and environmental factors therefore the WWA (Malvern Hills) accommodates a significant proportion of the housing need for Malvern Hills District as well as Worcester City's.
47. In terms of the 5YHLS calculations it is evident that the Council have included most, if not all, of the supply in WWA (Malvern Hills) urban extension towards their supply rather than an apportioned figure. This approach is a departure from the spatial strategy set out in the SWDP, which divides the housing in this extension between Worcester City's need and the needs of the Council. Based on these figures the Council state that they can demonstrate a supply of 5.24 years.
48. In response the appellant has produced three scenarios showing different housing land supply positions of 2.28 years, 3.37 years and 4.33 years. The first scenario shows the housing land supply calculated using the approach set out in the SWDP. The second approach deviates from that in the SWDP but includes a proportionate supply from the WWA (Malvern Hills) reflecting the spatial strategy set out in the SWDP. Finally, the third scenario reflects the Council's new approach to calculating their housing land supply which is essentially to include all of the deliverable supply from the WWA (Malvern Hills) towards their supply rather than a proportion.
49. Despite the Council's comments the Planning Practice Guidance (PPG) is clear that while areas which have a joint plan have the option to monitor their 5-year housing land supply over the whole of the joint planning area or on a single authority basis, the approach to using individual or combined housing requirement figures will be established through the plan-making process.
50. Paragraph 74 of the Framework only states that there should be a reliance on the HLN and does not undermine or do away with the reasons for the urban extensions and land allocations found in the SWDP. I have not been presented with any evidence that this collaborative approach has been collectively abandoned or superseded by Worcester City, Malvern Hills and Wychavon. Nor is there any evidence to suggest that Worcester City has provided housing elsewhere and does not require the urban extension to meet its 5YHLS.

51. It was established at the hearing that the 5YHLS in the Addendum Report has also been calculated on mismatching periods of need (2023-2028) and supply (2022-2027). Taking into consideration that the standard method for calculating local housing need also considers past delivery, this raises concerns of double counting thereby resulting in an inaccurate assessment. In addition, it has not been demonstrated that Worcester's share of the WWA (Malvern Hills) is not being relied upon by Worcester City thereby resulting in further instances of double counting.
52. There was some discussion at the hearing regarding several sites that the appellant contends that are either not deliverable or the delivery rates are somewhat optimistic. Whilst some adjustment of these figures arises from concessions made by the Council those adjustments would not materially alter the 5YHLS position given the scale of development outlined on strategic sites to meet the housing need in the SWDP area.
53. Whilst the Addendum attempts to address some previous errors and provides a snapshot of the need and supply it is not an Annual Position Statement as set out in paragraph 75 of the Framework but rather an interim report. This is acknowledged by the Council and thereby the weight I give to this evidence is somewhat diminished.
54. Drawing all these matters together, I find the appellants approach to the assessment of housing supply to be more reliable. Even if I take the appellant's highest scenario of 4.33 years supply, in my judgement, the Council is unable to demonstrate a deliverable five-year supply of housing sites. In such circumstances, Paragraph 11 (d) of the Framework is engaged which states that planning 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.

Other Matters

55. The Self-Build and Custom Housebuilding Act 2015 introduced a legal duty on local authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding (SBCH) in the authority's area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
56. The Council's data in respect of SBCH covers 12-month base periods starting in April 2016. At the end of each base period, the local planning authority has three years to permit an equivalent number of suitable permissions for SBCH, as there are entries for that base period. As of November 2022, the Council has recorded seven base periods, of which the first four have passed the three year time period for permissions to be granted. The Council's own figures show that the total number of entries on the register across the four base periods from April 2016 to October 2022 is 134. In that time, the Council has granted permission for just 20 plots, representing a significant shortfall in the delivery of self-build units.

57. As such, given the absence of any policy within the SWDP in relation to such housing or evidence of local initiatives to support it, I am of the view that it is unlikely that the Council will deliver a sufficient number of plots to address the current shortfall and meet the requirement. It is evident that up to 4 self-build houses would contribute towards meeting the requirement for such housing in the district in respect of Appeal B.
58. The appellant has provided a signed and dated UU by which to secure the development, considered under Appeal B, as self-build. I am content that the UU satisfies the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). The UU directly relates to the development and is fairly and reasonably related in scale and kind. As such, I am satisfied that the UU can be relied upon to secure the delivery of self-build houses, despite the Council's comments.
59. There is no substantive evidence that the road is unsuitable or that the proposal would adversely affect highway safety. Moreover, it is unlikely that a development of up to four dwellings would generate a significant amount of traffic.
60. I am satisfied an adequate layout and design could be achieved at reserved matters stage that would respect neighbouring properties. In this context, the proposal would not result in harm to the living conditions of existing occupiers in respect of overlooking or privacy.

Planning Balance

61. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
62. I have found that the Council cannot demonstrate a five-year supply of deliverable housing land. In addition, there are no relevant development plan policies relating to SBCH. In such instances paragraph 11 d) of the Framework and the 'tilted balance' is engaged. In so far as this appeal is concerned the Framework states that where policies which are most important for determining the application are 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.
63. The proposals would conflict with the development plan due to the location outside the settlement boundary of Collett's Green. I have also found that the proposed developments would result in some harm to the rural character and appearance of the area, albeit this conflict would be minor.
64. The Framework seeks to boost significantly the supply of housing. The provision of open market and self-build units would reduce the identified shortfalls and would contribute to an identified local need and meet the need of the local community who wish to commission or build their own home. I therefore give both the provision of market housing in respect of Appeal A and self-build plots in respect of Appeal B significant weight in the planning balance.
65. The construction of up to 4 dwellings would provide jobs albeit this would be largely short term limited to the construction phase. Future occupiers would

help to maintain or enhance the vitality of services and facilities in Collett's Green and Powick. Furthermore, the planning obligations would contribute towards supporting affordable housing. Given the scale of the developments I give these benefits moderate weight in the overall balance.

66. Whilst the proposed developments would preserve the setting of the nearby listed Collett's Green Farmhouse this is essentially a matter of neutral consequence in the overall balance.
67. Overall, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
68. In this case the presumption in favour of sustainable development is a material consideration which outweighs the conflict with the development plan. A decision should thus be taken otherwise than in accordance with the development plan.

Conditions

69. I have considered the imposition of conditions in accordance with the Framework and the PPG. I have undertaken some rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
70. In respect of Appeal A and B I have imposed conditions relating to the submission of reserved matters and the time limits associated with this. I have imposed a condition specifying the relevant drawings as this provide certainty. In order to ensure a satisfactory appearance a condition relating to external lighting has been imposed.
71. I have imposed a condition for the visibility splay to be incorporated in the interests in highway safety. In the interests of sustainability, I have imposed conditions regarding biodiversity enhancements, foul and surface water drainage, renewable energy, the provision of superfast broadband and electric vehicle charging points.
72. The Council have suggested conditions relating to materials, boundary treatments, landscaping, retained trees and tree protection. However, as they form part of the reserved matters it is not necessary to impose separate conditions.
73. In respect of Appeal B conditions relating to a phasing plan and construction method statement are necessary in the interests of living conditions and maintaining the efficient operation of the highway network due to the individual plot and custom-build nature of the proposed development.

Conclusion

74. For the reasons set out above both Appeal A and Appeal B succeed.

B Thandi

INSPECTOR

Appeal A – Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Indicative Layout Plan Drawing Number 001 in so far as it identifies the point of access.
- 5) No above ground works shall commence until details of a biodiversity enhancement scheme for the development have been submitted to and approved in writing by the local planning authority. Thereafter the approved biodiversity enhancement scheme shall be fully implemented within 6 months of the first occupation of the approved development and be maintained on-site for the lifetime of the development.
- 6) With or before the submission of the reserved matters details shall be submitted to the local planning authority for the approval of foul and surface water drainage works. The works shall be implemented in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until a scheme to secure at least 10% of the energy supply of the development from renewable or low carbon energy sources have been submitted to and approved in writing by the local planning authority. The measures shall be thereafter retained in operation for the lifetime of the development.
- 8) The development hereby permitted shall not be occupied until means of access to the site, incorporating the proposed visibility splay of 2.4m x 50m, has been constructed in accordance with the Site Layout Plan Drawing Number P001. The access and visibility splay shall be retained thereafter for the lifetime of the development.
- 9) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented as per the approved details and shall thereafter be retained.
- 10) The development shall not be occupied until details of superfast broadband facilities or alternative solutions to serve the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.
- 11) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in

writing, and any external lighting shall then be installed and used in accordance with the approved details only.

Appeal B – Schedule of conditions

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) No development shall commence until a phasing plan for the phasing of the building of the development in plots has been submitted to and been approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved phasing plan.
- 3) Application for approval of the reserved matters for the first phase of development shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters for the first phase of development, as defined by the approved phasing plan.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Context Layout Plan Drawing Number 001 and Site Layout Plan Drawing Number P002 in so far as it identifies the point of access and the build zones.
- 6) No development shall commence until a Construction Method Statement for the first phase of development has been submitted to and approved in writing by the local planning authority. Development on subsequent phases shall not commence until equivalent details have been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period.
- 7) No above ground works shall commence until details of a biodiversity enhancement scheme for the proposed green infrastructure have been submitted to and approved in writing by the local planning authority. Development on the first phase and subsequent phases shall not commence until details have been submitted to and approved in writing by the local planning authority. Thereafter the approved biodiversity enhancement scheme shall be fully implemented within 6 months of the first occupation of the approved development and be maintained on-site for the lifetime of the development.
- 8) With or before the submission of the reserved matters details shall be submitted to the local planning authority for the approval of foul and surface water drainage works. The works shall be implemented in accordance with the approved details. Development on subsequent phases shall not commence until equivalent details have been submitted to and approved in writing by the local planning authority.
- 9) The development hereby permitted shall not be occupied until a scheme to secure at least 10% of the energy supply of the development from renewable or low carbon energy sources have been submitted to and approved in writing by the local planning authority. Development on subsequent phases shall not commence until equivalent details have been submitted to and approved in writing by the local planning authority. The

measures shall be thereafter retained in operation for the lifetime of the development.

- 10) The development hereby permitted shall not be occupied until means of access to the site, incorporating the proposed visibility splay of 2.4m x 50m, has been constructed in accordance with the Site Layout Plan Drawing Number P002. The access and visibility splay shall be retained thereafter for the lifetime of the development.
- 11) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. Development on subsequent phases shall not commence until equivalent details have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented as per the approved details and shall thereafter be retained.
- 12) The development shall not be occupied until details of superfast broadband facilities or alternative solutions to serve the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. Development on subsequent phases shall not commence until equivalent details have been submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details.
- 13) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in writing, and any external lighting shall then be installed and used in accordance with the approved details only.

Appearances

FOR THE APPELLANT:

Chris Hugo – Appellant

Mark Donald – Appellant

Neil Pearce - Avon Planning

Dr Stefan Bodnar - Ecologist and Environmental Consultant

Tony Hanna – Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Jones – Development Manager

John Rowley – Planning Policy Officer

Jane Sedgeley-Strachan – Natural Heritage and Biodiversity Officer

Sarah Lowe – Senior Conservation Officer

Oliver Brewer-Hughes – Assistant Planning Officer

INTERESTED PARTIES:

Tom Wells – Local resident and Councillor

Steven Oram – Local resident

Lynne Cooper – Local resident