



Appeal Decision

Inquiry Held on 25-26 July 2017

Site visit made on 26 July 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 04 September 2017

Appeal Ref: APP/W0910/W/16/3165216

Land north of Dalton Lane and west of Breast Mill Beck Road, Barrow-in-Furness LA14 4RT

- 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 Oakmere Homes (Northwest) Ltd against the decision of Barrow-in-Furness Borough Council.
 - The application Ref B07/2015/0707, dated 28 September 2015, was refused by notice dated 11 October 2016.
 - The development proposed is described as 'outline planning application for approximately 142 dwellings with associated open space and landscaping, with all matters reserved'.
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Decision

1. The appeal is allowed and outline planning permission is granted for approximately 142 dwellings with associated open space and landscaping, with all matters reserved on land north of Dalton Lane and west of Breast Mill Beck Road, Barrow-in-Furness in accordance with the terms of the application, Ref B07/2015/0707, dated 28 September 2015, subject to the conditions in the attached schedule.

Procedural Matters

2. The original planning application proposed the construction of 155 dwellings on the site and also sought approval to the means of access. However, following scheme amendments during the determination of the application, the number of dwellings was reduced to 142 and access became a reserved matter. The application determined by the Council was in outline with all matters reserved for later approval. I have determined the appeal on this basis.
3. The development was refused by the Council for three reasons. The third reason related to the submission of inadequate information to address the ecological impact of the scheme. Following further submissions on this matter, an agreed Statement of Common Ground (SoCG) was prepared. As there is now no dispute between the parties in this regard, I do not consider this matter further. A number of other SoCG were also provided by the parties before the Inquiry relating to highway issues, heritage, landscape and visual matters, the objectively assessed need for housing and planning and housing supply.

4. On the first day of the Inquiry, following evidence in relation to the objectively assessed need for housing, the Council reviewed its position and determined it was unable to demonstrate a 5 year supply of housing land. Agreement was reached between the parties that the Council had a 4.2 year supply of housing land for the purposes of this appeal.
5. In light of the above, the Council then further reviewed its position and on the second day of the Inquiry, determined that it could no longer defend its reasons for refusal. The Council withdrew all submitted evidence. Accordingly I have determined the appeal on the basis of the Appellant's evidence and that of interested parties.
6. A draft planning obligation by way of a unilateral undertaking made under section 106 of the Town and Country Planning Act 1990 (s106) was submitted at the Inquiry. The obligation related to the provision of a play area, financial contributions towards travel plan monitoring and lifetime homes provision, a scheme for the provision and management of the mitigation and enhancement area and the management of sustainable urban drainage on the site. A signed and dated undertaking was provided after the event.

Main Issues

7. Mindful of the above, I consider that the main issues are:
 - the effect of the development on the character of the landscape and the visual amenity of the area;
 - the effect of the proposal on the separation between the urban areas of Barrow-in Furness and Dalton-in-Furness;
 - whether the development would preserve or enhance the setting of nearby heritage assets.

Reasons

Policy Context

8. The development plan consists of the Barrow-in-Furness Local Plan Review 1996-2006 (LP) adopted in 2001. It sets out policy to guide development up to 2006. A Housing Chapter Alteration was adopted in 2006 intended to provide interim policy up to 2009. A pre submission draft of the Barrow Local Plan which would guide development to 2031 was published in March 2017 for consultation.
9. Saved Policy B3 of the Barrow LP considers residential development on unallocated sites. This policy permits development providing it is located within the built up area of settlements or development cordons identified in Saved Policy B13 and is sensitive to the local environment. Policy B3 relies on a sequential test set out in the now revoked Cumbria and Lake District Joint Structure Plan 2001-2016, where brownfield sites were given preference to greenfield land. The Council's Committee report argues that by directing development to the built up areas, the policy seeks to protect the countryside. Indirectly this may be the case, but the policy is essentially concerned with housing supply. Furthermore, in terms of planning policy for the countryside, it is inconsistent with the Framework which supports sustainable development

in rural areas. Therefore I consider that Saved Policy B3 is out of date and should attract very limited weight.

10. Saved Policy D1 aims to safeguard the countryside for its own sake and to protect non-renewable and natural resources. Development is permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. This policy is also inconsistent with the Framework as it aims to protect the countryside for its own sake. Similarly I consider that this policy should attract limited weight.
11. Saved Policy D5 of the Barrow LP aims to prevent development that would result in a reduction in the clear separation of the settlements of Barrow and Dalton unless it is essential for the needs of agriculture, forestry, local infrastructure or appropriate outdoor recreation and would not significantly harm the rural character of the landscape. This policy is broadly consistent with the Framework in particular paragraph 17 which recognises the intrinsic character and beauty of the countryside.
12. The emerging Local Plan is at an early stage of preparation and can therefore only attract limited weight. I note that it recognises that in order to meet the future housing needs of the Borough, sites currently in the countryside adjoining Barrow, may need to be allocated.

Landscape character and visual amenity

13. The appeal site lies in the countryside on the edge of the urban area of Barrow-in-Furness and comprises around 12.5 hectares of land lying north of Dalton Lane and west of Breast Mill Beck Road. The site is made up of 5 unequal parcels of agricultural land used for arable and pasture. There are significant mature hedgerows on the southern site boundary with Dalton Lane and the western boundary next to the existing housing on Dane Ghyll. A stone wall runs along the boundary with Abbey Road and Breast Mill Beck Road. The site lies north west of the Furness Abbey Scheduled Ancient Monument and the Furness Abbey Conservation Area. The Cumbria Landscape Character Guidance and Toolkit defines the area's character as Rolling Lowland (Sub-Type 5c), a landscape of undulating and rolling topography, lowland agriculture with hedges, hedgerow trees and some scrub woodland.
14. The topography of the site is an important feature, the lowest part of the site being to the south eastern corner at approximately 42 metres AOD, the highest point being to the northern boundary at 68 metres AOD. This higher land forms part of a distinct north-south ridge which falls towards the western boundary and towards Breast Mill Beck Road. The surrounding landscape is predominantly farmland with the Vale of Nightshade to the east, a narrow steep sided valley with woodland on the steeper slopes. Whilst being bounded by hedgerows, the site retains an open character. Together with the open land north east of the hospital, to the south of Dalton Lane, the area has a rural character.
15. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) which considers the effect of the proposal on the landscape and its visual impact up to 15 years after the development has been completed. In terms of landscape character, the LVIA makes a distinction between the change to the site itself and to the wider landscape.

16. Rising steeply from the Abbey Road/Dalton Lane junction, the appeal site is in a prominent position. Whilst I accept that the mature hedgerow and wall assist to screen the site on its boundaries, due to its topography, the site forms a significant feature in the local landscape. I note that the urban edge of Barrow is not defined in the development plan. My assessment is that the appeal site lies in a landscape with a rural and agricultural character. It appears as farmland, outside the urban area of Barrow.
17. The appellant has put forward the view that the development of the site would not extend the urban edge of Barrow further east than the current limits and that the development would result in a rounding off of the settlement pattern. When viewed in plan form, I accept that this appears to be the case. However the experience of travelling through the area is that the appeal site, with its open agricultural character, forms part of the open countryside between Barrow and Dalton. The existing urban area of Barrow is well contained by the north-south ridge and Dane Ghyll Beck. The proposed development would result in a significant extension of the existing built up area beyond these defined features, encroaching into the rural area. This would cause harm to the character of the landscape.
18. The LVIA concludes that the appeal site is not generally visible in the wider landscape beyond 600 metres, due to the topography of the area and the impact of boundary hedgerows restricting views. On my site visit I viewed the site from the north, east and west, at the points identified in the appellant's photomontage evidence. Due to the rising nature of the land to the east of the hospital site, the southern site boundary is not visible on Abbey Road until one gets closer to the junction of Ratings Lane, approximately 50 metres from the site (Viewpoint 3). From the footpath across the field leading up the hill to the hospital from Abbey Road (North of Viewpoint 1), the north-south ridge which runs through the appeal site can be appreciated. Whilst views of the wider site are limited from this point, I consider that the part of the site that would be visible would appear as an intrusion into the open countryside.
19. Viewing the site from the east from Dalton-in-Furness, glimpses of the site can be obtained. I viewed the site from the brow of Abbey Road just south of the settlement (Viewpoint 10). Here the wooded Vale of Nightshade was evident with the appeal site and existing housing on The Crescent and Dane Ghyll in the middle distance. The proposed development would again be partially visible from this point. Whilst I consider it would cause some harm to the character of the landscape, particularly in the winter months, having regard to the topography, the existing and proposed landscaping as well as the proposed planting as part of the mitigation area to the east of the appeal site, I consider that this harm would be limited. I note that in the submitted Statement of Common Ground on Landscape and Visual Impact, the parties agree that views of the development, over the long term, can be largely screened from the Dalton area.
20. I also viewed the site looking southeast from Rakesmoor Lane to the north. Here partial views of the site are possible through gaps in the hedgerow and at field gates. The topography of the landscape would again restrict views of the whole site. However the northern part of the site would be visible. Whilst the development would be seen as an extension of Hawcoat, it would be in the context of the urban edge. I therefore consider the proposal would cause

limited harm to the character of the landscape when viewed from this location.

21. Turning to the visual impact of the proposal, the submitted LVIA and photomontage indicate the impact of the site at years 1, 5-7 and 15 following the implementation of the landscape strategy. I consider that in visual terms the proposal would be well screened when viewed from the surrounding roads. However the introduction of areas of planting to screen the development would result in a significant enclosure of the site. An important characteristic of the appeal site is its openness. Travelling west from Abbey Road, the views ahead comprise open farmed land to the right including the appeal site with heritage assets, listed buildings and the Abbey Wall which encloses Abbey House Hotel to the left. I accept that there are existing areas of woodland and tree planting on this eastern edge of Barrow. However, in relation to the appeal site, the proposed planting would reduce the sense of openness when travelling through the area. Furthermore the density of planting proposed would be uncharacteristic in this location and would cause significant harm to the visual amenity of the area.
22. On my site visit I walked along the public footpath to the north of the site near the edge of existing residential properties on The Crescent. From this viewpoint, extensive views across the site and beyond to the surrounding countryside can be achieved. The rooftop of the Abbey House Hotel on Abbey Road is also visible. The development would have a significant visual impact when viewed from this location and also from the nearby residential properties. I acknowledge that this impact would be expected of any new development on a greenfield site on the urban fringe. However, whilst the existing boundary hedgerow and proposed planting would soften the edge of the development to a degree; the development would still be seen as an intrusion into the open countryside causing visual harm to the area.
23. In summary whilst I consider that the development would cause limited harm in the wider landscape, I consider it would cause significant harm in terms of its visual impact. The appeal proposal would therefore conflict with Saved Policies B3 and D1 of the Barrow Borough Local Plan Review 1996-2006 (LP). However for the reasons I have outlined earlier in this decision, I consider these policies to be out of date. The Framework, which provides more recent national planning policy for the countryside, forms a material consideration which outweighs these policies. Assessing the proposal against the Framework, it would conflict with paragraph 17 which recognises the intrinsic character and beauty of the countryside.

Separation between settlements

24. The separation between the two settlements can be experienced visually at a number of points on Abbey Road to the south of Dalton. Whilst the development would be screened by existing woodland and proposed landscaping to the appeal site and the mitigation area, there would still be glimpses of built form particularly in the winter months. I consider that as a result, the proposal would be seen as marginally reducing the visual gap between the settlements.
25. When travelling along Abbey Road towards Dalton, the development of the appeal site would give a traveller the perception that they were travelling through an extended urban area and that the separation between the two

settlements had accordingly been reduced. I acknowledge that the edge of Dalton cannot be seen until one is much closer to its boundary. This is due to fact that the section of Abbey Road north east of Breast Mill Beck Road is in a cutting and screened by woodland on the upper slopes of the Vale of Nightshade. However despite this lack of visual connection between the settlements, I consider that the feeling of separation would to a degree be undermined.

26. In conclusion I consider that the appeal site would encroach into open countryside and reduce the separation between Barrow and Dalton. However should the development proceed, there would still remain a distinctive visual gap between the settlements. I therefore consider that the harm in this regard would be limited. Nonetheless, the appeal scheme would conflict with Saved Policy D5 which seeks to safeguard the separation between the two settlements.

Setting of nearby heritage assets

27. The appeal site lies north west of the Furness Abbey Scheduled Ancient Monument and the Furness Abbey Conservation Area which not only includes the Abbey itself but a number of other listed buildings.
28. Whilst heritage matters did not form a reason for refusal in this case, I have a statutory duty to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area¹ and to have special regard to the desirability of preserving a listed building and its setting or any features of special architectural or historic significance².
29. In the Heritage SoCG it is agreed between the parties that the development would result in less than substantial harm (towards the lower end of that spectrum) to these heritage assets. I have no reason to disagree with this assessment. Accordingly in line with paragraph 134 of the Framework, the harm to the significance of these heritage assets must be weighed against the public benefits of the proposal.
30. In light of the agreed lack of a 5 year supply of housing land, the appeal proposal would contribute to boosting significantly the supply of housing in the borough. The appellant has argued that the proposal would also provide a choice of housing, meeting an identified need for more detached family housing at a time of expected major investment and jobs growth in the area, particularly at BAE Systems. However as the appeal scheme is in outline, the details of the dwelling mix are not before me. Whilst it would be likely that this benefit would be achieved, this detail does not form part of the submitted scheme. I can therefore attribute only limited weight to this benefit.
31. The scheme would provide economic benefits during the construction phase with the creation of jobs and demand for building supplies in the local area. Future occupiers would spend in the local economy and support local services and facilities. Furthermore the appellant calculates that the proposal would generate £1.3 million in New Homes Bonus for investment in the local community.

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 66 (1) of the Planning (Listed Building and Conservation Area) Act 1990

32. With regard to environmental benefits, the appellant has brought my attention to the lack of adverse impacts in terms of biodiversity and protected species. The proposed off-site area for breeding bird mitigation provides the opportunity for a scheme of woodland planting and habitat creation. However as these measures are required to mitigate the adverse impacts of the development, I do not consider that they can be regarded as public benefits.
33. Having taken the above factors into consideration, I conclude that the less than substantial harm to the significance of the heritage assets would be outweighed by the social and economic benefits I have identified. The appeal proposal would therefore comply with Saved Policies D15 and D22 of the Barrow LP which aim to preserve or enhance the character or appearance of conservation areas and to preserve scheduled ancient monuments and their setting. The proposal would also accord with section 12 of the Framework which aims to conserve and enhance the historic environment.

Other Matters

34. Local residents and interested parties have raised a number of issues including traffic, drainage and flooding, school capacity and ecology.
35. Local residents have raised concerns about the increased traffic on Dalton Lane, which provides access to the hospital, and queuing at its junction with Abbey Road. The appellant submitted a Transport Assessment to accompany the planning application and a SoCG has been signed by the appellant and the highway authority Cumbria County Council. It is agreed that the road network has significant spare capacity and that the road junctions analysed, which included the Dalton Lane/Abbey Road junction, would not have a capacity issue. It is further agreed that the site is accessible by public transport, walking and cycling providing non car modes of travel for future residents. Although access forms a reserved matter, the proposed roundabout junction from Dalton Lane is considered to be acceptable and the indicative design should form the basis of a reserved matters application. I am therefore satisfied that the appeal proposal would be acceptable in highway terms.
36. A Flood Risk Assessment accompanied the planning application which concluded that there was little likelihood of fluvial or pluvial flooding on the site and the risk of ground water flooding was considered to be low. A Sustainable Drainage Scheme is proposed and would be secured through the planning obligation. I therefore consider that the scheme would be acceptable in this regard.
37. In relation to the capacity of local schools, the Education Authority has confirmed that local primary and secondary schools would have spare places to accommodate additional pupils. I therefore consider that there is adequate provision in the local area to serve the development.
38. With regard to ecology and biodiversity issues, the parties have submitted a SoCG to address this matter. The impacts on protected species, breeding birds and hedgerows have been assessed and appropriate mitigation measures agreed. These include the replacement of hedgerows to be lost, the provision of bat and bird boxes and a Mitigation and Enhancement Area on adjoining land in the ownership of the appellant for breeding birds. These measures would be secured through appropriate planning conditions and

through the planning obligation. I am satisfied that appropriate mitigation would be in place to overcome any adverse effects on biodiversity resulting from the development.

Planning Balance

39. The parties have reached agreement in a supplementary SoCG on Housing Supply that the Council can demonstrate less than 5 years supply of housing land (4.2 years). Therefore in line with paragraph 49 of the Framework, the relevant policies for the supply of housing are out of date. Furthermore I have found that Saved Policies B3 and D1 are out of date and inconsistent with the Framework. Accordingly paragraph 14 of the Framework is engaged. I must therefore consider whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
40. I have already identified a number of social, economic and environmental benefits of the scheme in the section relating to the setting of nearby heritage assets. In terms of the contribution to the supply of housing in Barrow, the annual housing requirement for the borough has not been met since 2003 and therefore I give significant weight to this factor. As I have already explained, I give limited weight to the benefits resulting from the diversification and widened choice of housing in the borough.
41. Turning to the economic benefits of the scheme, the delivery of housing on the appeal site would support the anticipated economic growth from further investment in BAE Systems and in other major projects in the area planned up to 2025. However as there continues to be some degree of uncertainty with regard to these future investments, I attach moderate weight to these benefits.
42. Turning to environmental matters, I acknowledge that the proposal includes a landscape strategy and the provision of a Mitigation and Enhancement Area on nearby land to provide habitat for breeding birds displaced by the development. As these measures are required to mitigate the adverse impacts of the proposal I consider that they form neutral factors in the overall planning balance.
43. Turning to the adverse impacts of the proposal, I have found that the development would cause limited harm to the wider landscape and the separation between the settlements of Barrow and Dalton. Though I have also found the scheme would result in significant harm to the visual amenity of the area. However I consider that this aggregated harm would not significantly and demonstrably outweigh the cumulative benefits of the scheme when assessed against the policies of the Framework taken as a whole. Accordingly I consider that the appeal scheme forms sustainable development.
44. In the circumstances of this appeal, I find that there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the development plan. Planning permission should therefore be granted in accordance with the presumption in favour of sustainable development.

Planning Obligation

45. The appellant has submitted an executed planning obligation in the form of a unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990. The requirement for on-site play space and its future management would ensure that adequate provision is made as part of the scheme. This would be necessary to accord with Saved Policy G9 of the Barrow LP.
46. The payment of a travel plan contribution is necessary to deliver sustainable transport objectives in line with Cumbria County Council's Planning Obligations Policy document. The provision and management of the Mitigation and Enhancement Area would also be required to replace lost areas of biodiversity value, to provide habitat for breeding oystercatchers and ground nesting birds. This provision is agreed in the Biodiversity SoCG and is supported by Saved Policy D13 of the Barrow LP.
47. The obligation also provides for the payment of a Lifetime Homes Contribution to Cumbria County Council to be used to supplement its disabled facilities grant funding. This is based on the percentage of homes within the development which do not meet certain Lifetime Homes Criteria. This contribution meets the requirements of Cumbria County Council's Planning Obligations Policy document and is necessary to enable physical adaptations to be undertaken to properties in the Housing Market Area to cater for individual housing needs.
48. The implementation and maintenance of the proposed landscape works would be required in order to safeguard the character and appearance of the development and the surrounding area. Finally the obligation provides for a surface water drainage scheme to ensure the site is drained in a sustainable manner and managed appropriately thereafter.
49. The above obligations are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore they meet the tests within Regulation 122 of the CIL Regulations. In respect of the Lifetime Homes Contribution I am advised that no more than 5 contributions have been sought in this regard and therefore the pooling restrictions of Regulation 124 of the CIL Regulations are met. I have taken these obligations into account in the decision.

Conditions

50. I have considered the conditions agreed between the parties and discussed at the Inquiry. In addition to the standard conditions relating to the submission of reserved matters and the timing of commencement, a condition restricting the number of dwellings that can be constructed would be required to limit the development to that permitted. As the proposal is wholly in outline, I do not consider that a condition specifying the approved plans would be necessary.
51. In order to ensure that the site is properly drained, conditions regarding separate foul and surface water drainage and the submission of a drainage scheme designed in line with sustainable principles would be required. In the interests of securing a suitable standard of highway provision for all users,

conditions regarding the design, construction, drainage, lighting and phasing of the access roads and footways would be needed. Whilst access forms a reserved matter, a condition would be necessary to ensure that the site access is taken from Dalton Lane, with the exception of an emergency access from Breast Mill Beck Road, in line with the submitted indicative access scheme to achieve a safe means of access to the site.

52. Measures to prevent surface water discharge onto the highway from private drives would be required to prevent highway flooding. A condition regarding the submission and implementation of a travel plan would also be necessary to ensure sustainable travel objectives are met. Having regard to the site's location close to the Furness Abbey Scheduled Ancient Monument and the Furness Abbey Conservation Area, a scheme of archaeological investigation would be needed to ensure that any finds on the site are appropriately recorded.
53. In order to protect the character and appearance of the landscape and mitigate any harm to nearby heritage assets, a condition would be necessary requiring the submission of a landscaping scheme at reserved matters stage based on the submitted Landscape Strategy, with a scheme for its phasing, implementation and future management.
54. In the interest of biodiversity mitigation, conditions would be required to protect existing trees on the site during construction, to provide bat and bird boxes and to guard against the possibility of harm to Great Crested Newts and other amphibians as per the SoCG on Biodiversity. Furthermore conditions regarding a scheme for the retention of hedgerows, their protection during construction, the provision of replacement hedgerow for those to be removed, and the translocation of any affected woodland ground flora, such as bluebells, would be necessary. Conditions regarding the testing of any imported soils for contamination and measures to address any contamination found on the site would be required in order to protect human health.
55. In the interests of safeguarding the living conditions of the occupants of nearby residential properties and to ensure the protection of the environment, a condition requiring a construction method statement would also be necessary.
56. I have amended the wording of the conditions in the interests of clarity, to avoid repetition and to better reflect the requirements of the Framework and Planning Practice Guidance.

Conclusion

57. For the reasons given above and having regard to all other matters raised, I allow this appeal.

Helen Hockenfull

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Anthony Crean QC

He called

Graham Love
BA(Hons) BPI MRTPI

Director Smith & Love Planning Consultants Ltd

Stephen Laws
BA(Hons) DipLA CMLI

Chartered Landscape Architect

Stephen Nicol
BA, MA

Nicol Economics

FOR THE APPELLANT:

Miss Ruth Stockley

of Counsel, instructed by Paul O'Donnell, retained Solicitor, Brown Barron Solicitors, Duke Street, Barrow-in-Furness.

She called

Dr Michael Bullock
BSc (Hons) PhD

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Charles Wilton ³
MCD MRTPI

Principal Planning Officer

Ms M O'Connor ⁴
DipLA(Glos) MSc
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Andrew Bradshaw ⁵
BA (Hons) MTPL MRTPI

WYG

INTERESTED PERSONS:

Shaun McKenna

Local resident

³ Not called to give oral evidence, took part in round table discussion regarding conditions and planning obligation

⁴ Not called to give oral evidence

⁵ Not called to give oral evidence

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Supplementary note of matters of fact relating to 'Other Sites' without planning permission contested by the appellant.
- 2 Note on Economic Activity and Employment Rates.
- 3 Revised Indicative Landscape Masterplan.
- 4 Draft planning obligation pursuant to section 106 of the Town and Country Planning Act.
- 5 Appeal Decision Ref APP/G2435/W/17/3166865, Land at Swepstone Road, Heather, Leicestershire LE67 2RE.
- 6 Appellant's opening submission.
- 7 Position statement on behalf of Barrow-in-Furness Borough Council.
- 8 CIL compliance statement.
- 9 Revised list of planning conditions.
- 10 Supplementary Statement of Common Ground: Housing Supply.
- 11 Appellant's closing submissions.
- 12 Map of suggested viewpoints for site visit.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 1 Revised list of conditions.
- 2 Revised CIL compliance statement.
- 3 Signed and dated planning obligation pursuant to section 106 of the Town and Country Planning Act.

SCHEDULE OF CONDITIONS

- 1) Details of the access, 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 and the development must be begun not later than whichever is the later of the following dates:
 - a) The expiration of 3 years from the date of this permission
 - b) Expiration of 2 years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) No more than 142 dwellings shall be erected on the site.
- 4) Foul and surface water shall be drained on separate systems with foul directed to the foul sewer.
- 5) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Proposed Drainage Strategy ref: 15131-C-50 dated 12/10/2015 proposing surface water discharging into the watercourse with an assessment that the receiving water course is capable of receiving the discharge. The development shall be completed, maintained and managed in accordance with the approved details.
- 6) No dwellings shall be occupied (unless in accordance with a scheme of phasing previously submitted to and approved in writing by the local planning authority) until the estate road, including footways, has been constructed in all respects to base course level, and street lighting has been provided and brought into full operational use in accordance with details approved under condition 8 below, including any scheme of phasing.
- 7) The carriageway, footways and footpaths shall be designed, constructed, drained and lit to an adoptable standard and in this respect further details, including a full specification, setting out plan, lighting details, longitudinal and cross sections, and details of phasing shall have been submitted to and approved in writing by the local planning authority prior to the laying out of the approved estate roads. The development shall then proceed in accordance with the approved details.
- 8) Prior to the occupation of the 30th dwelling a programme for the completion of the estate roads including footways where shown shall

- have been submitted to and approved in writing by the local planning authority and the estate roads shall then be completed in accordance with the approved programme and the details approved under condition 8 above and to give effect to the consultation response of the County Council as highway authority.
- 9) Any application for the approval of reserved matters in respect of the means of access to the approved development, shall ensure that with the exception of an emergency access link to Breast Mill Beck Road that vehicular access is provided solely from Dalton Lane via a roundabout junction to be designed in substantial accordance with the DTPC 'Access Layout' drawing no. J574/Access/Fig 1 dated 28th January 2016.
 - 10) Details of all measures to prevent surface water discharging onto the highway from house drives/parking areas shall have been submitted to and approved in writing by the local planning authority for approval prior to the occupation of any part of the development. The works shall be implemented in accordance with the approved details prior to the occupation of the respective dwelling and shall be permanently maintained operational thereafter.
 - 11) No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme shall include the following components:
 - i) An archaeological evaluation;
 - ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation;
 - iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the local planning authority, completion of an archive report, and submission of the results for publication in a suitable journal.
 - 12) Any application for the approval of reserved matters in respect of landscaping or layout shall be based upon the submitted Landscape Strategy (PDP Associates) in accordance with a scheme of phasing and a 5 year landscape management plan.
 - 13) No development shall commence until the measures to protect the trees identified in the submitted 'Tree Report' [Antony Wood/Yew Tree] have been carried out in accordance with BS 5837:2012 including the identification and fencing of root protection areas. None of the following shall be carried out within any of the so defined root protection areas: excavations, site works, trenches, channels, pipes, services, temporary buildings, deposit of soil or waste, storage of construction materials, equipment, vehicles or fuel. No burning of any materials shall take place within 20 metres of any tree.
 - 14) All planting, seeding or turfing comprised in the approved details of landscaping submitted with respect to condition 13 above shall be carried out in accordance with the approved details including the phasing scheme as agreed in writing with the local planning authority. Any trees,

hedgerows 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, unless the local planning authority gives prior written consent to any variation.

- 15) No soil material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material should be submitted to and approved in writing by the local planning authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out as per the agreed methodology with verification of its completion submitted to and approved in writing by the local planning authority.
- 16) 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 immediately to the local planning authority. Development on the part of the site affected must be halted and Field Investigations shall be carried out. Where required by the local planning authority, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These shall be implemented prior to occupation of the development.
- 17) Prior to the commencement of development a scheme of 'reasonable avoidance measures' with respect to the potential impact from construction activities on Great Crested Newts and amphibians generally, shall have been submitted to and approved in writing by the local planning authority. The development shall then only proceed in accordance with the approved Scheme.
- 18) Prior to the commencement of any development a Construction Method Statement shall have been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and provide for:
 - The parking of vehicles by site operatives;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Wheelwash facilities;
 - Measures to control emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste from construction work;
 - Measures to avoid pollution including silting of water courses;
 - Measures to protect wildlife.
- 19) Any submission of reserved matters shall include a scheme including a phasing plan which covers the following areas; the retention of all hedgerows which can reasonably be retained; measures for the protection of retained hedgerows during the course of development; replacement hedgerows for those lost on a 1:1 basis except for important hedgerows where the replanting shall be on a 2:1 basis and in both cases

shall use a species- rich mix of native woody species of local provenance and including berried shrubs; that no hedgerows including replacement hedgerows shall form part of any residential curtilage; that the scheme shall include planting along the western site boundary and woodland and hedgerow planting along the eastern side boundary including areas where hedgerow is not currently present; that any ancient woodland indicator ground flora to be affected, including native bluebell, is to be translocated to retained hedgerows or the bases of newly created woodland/replacement hedgerows; that any newly planted hedgerows or woodland shall be seeded with suitable locally occurring ground flora. The development shall only proceed in accordance with the approved scheme and phasing plan.

- 20) Any submission of reserved matters shall include a scheme for the provision of a minimum of 7 bat and 7 bird boxes based upon the details contained within Appendix A of the SoCG on biodiversity matters including a scheme of phasing. The development shall be carried out in accordance with the approved scheme.
- 21) Prior to the occupation of any dwelling a Travel Plan shall have been submitted to and approved in writing by the local planning authority. The plan shall be based on the Interim Travel Plan [DTPC dated Aug 2015] and identify the measures to be taken to encourage the achievement of a modal shift away from the use of private motor cars and measures for its delivery. The recommendations of the Travel Plan shall be implemented.
- 22) A Preliminary Investigation has identified potential unacceptable risks, therefore a Field Investigation and Risk Assessment, conducted in accordance with established procedures (BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and Model Procedures for the Management of Land Contamination (CLR11)), shall be undertaken to determine the presence and degree of contamination and must be undertaken by a suitably qualified contaminated land practitioner. The results of the Field Investigation and Risk Assessment shall be submitted to and approved in writing by the local planning authority before any development begins.
- 23) Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Scheme has been submitted to and approved in writing by the local planning authority. The scheme must include an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, proposed remediation objectives, remediation criteria and a verification plan. A verification report shall be issued in accordance with a scheme of phasing to be submitted to and approved in writing by the local planning authority prior to the occupation of any dwelling. 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.