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# Appeal Decision

Inquiry held on 24-26 July 2012

Site visit made on 26 July 2012

**by Harold Stephens BA MPhil DipTP MRTPI FRSA**

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

**Decision date: 24 August 2012**

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**Appeal Ref: APP/H1840/A/12/2171339**

**Land between Station Road and Dudley Road, Honeybourne,  
Worcestershire**

- 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 Lioncourt Homes (Honeybourne) LLP; and E, J, M and H Westoby against the decision of Wychavon District Council.
  - The application Ref W/11/02531/OU, dated 11 November 2011, was refused by notice dated 7 February 2012.
  - The development proposed is an outline planning application for mixed residential and business development, public open space, landscaping with detailed access arrangements.
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## Decision

1. The appeal is allowed and planning permission is granted for an outline planning application for mixed residential and business development, public open space, landscaping with detailed access arrangements on land between Station Road and Dudley Road, Honeybourne, Worcestershire in accordance with the terms of the application, Ref W/11/02531/OU, dated 11 November 2011, and the plans submitted with it, subject to the conditions listed at Annex A.

## Application for costs

2. At the Inquiry an application for costs was made by Lioncourt Homes (Honeybourne) LLP; and E, J, M and H Westoby against Wychavon District Council. This application is the subject of a separate Decision.

## Preliminary matters

3. The appeal site comprises some 4.6 hectares which is currently undeveloped and unused agricultural land. On its northern boundary the site adjoins the mainline railway linking Evesham and other settlements to the west, to London. Station Road runs along the western boundary of the site, with an existing field gate access positioned towards the north-west corner. A mature hedgerow runs along most of the western boundary of the site. Honeybourne Railway Station and a housing development surrounding the Station lie on the opposite side of Station Road.
4. To the south, the site adjoins residential properties facing onto Station Road, Dudley Road and Harvard Avenue. An existing access drive leading from Dudley Road and serving a garage parking area leads to the southern

boundary of the site and the northern end of Harvard Avenue also adjoins the southern boundary. Open fields lie to the east. A high pressure gas pipeline runs across the site in a north east to south west direction.

5. The proposal is for outline planning permission with all matters reserved for later consideration, except for detailed access arrangements. Both parties agreed that the plans on which the proposal should be determined are as follows: Location Plan: 11-030/01; Proposed Site Access Drawings: 0349-011, 12 and 13 and Development Framework Plan: 11/030/DF01 Rev A.
6. In addition to the above plans, Drawing 11-030 MP06 was submitted as an illustrative Layout Plan to demonstrate one way in which the site might be developed for 67 dwellings. An additional illustrative Layout Plan 11/030/MP06 Rev A was submitted which superseded the originally submitted illustrative layout and it shows how a development of up to 70 dwellings could be accommodated on the site. Another illustrative plan, Drawing MID3157/003 Rev A was submitted by the Appellant at the Inquiry. This drawing shows Noise Mitigation Stand-Off Distances. I have had regard to all of these illustrative plans in coming to my decision in this case.
7. The proposal is therefore for a residential development of up to 70 dwellings. The illustrative layout plan<sup>1</sup> shows the majority of these units being positioned in the northern half of the site. However, 5 of these units would be located off a new access from Dudley Road, using the existing drive accessing the garage parking area, and a single dwelling towards the southern boundary with access directly off Station Road. The development would include 34.2% of the proposed dwellings as affordable housing i.e. some 24 affordable dwellings.
8. The proposed business development would comprise of up to 2,000 sq metres of B1 (a) (offices) or B1 (b) use (research and development) positioned towards the southern boundary of the site although to the north of the proposed residential development off Dudley Road. The provision of an open space area measuring some 2.5 hectares is shown on the illustrative layout plan<sup>2</sup> as lying within the central part of the site. The plan shows community woodland and surface water balancing ponds within the proposed open space area.
9. A new vehicular access is proposed off Station Road leading to the majority of the proposed development. Also the proposal includes a new vehicular access off Dudley Road (to serve 5 of the proposed dwellings), a vehicular drive off Station Road to serve a single dwelling and a new pedestrian access off the site onto Station Road with pedestrian crossing, close to the access drive to the railway station.
10. The application was supported by various reports including a Design and Access Statement (DAS), a Desk Based Assessment of Land Next to Station Road, an Ecological Assessment, a Transport Assessment, a Framework Business Travel Plan, a Residential Travel Plan, an Archaeological Evaluation, a Landscape Assessment, a Planning Statement, a Noise Assessment, a Hedgerow Report, a Flood Risk Assessment and a Water Management

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<sup>1</sup> Layout Plan 11/030/MP06 Rev A

<sup>2</sup> Op. cit.

Statement. A Statement of Common Ground (SCG) was agreed between the Appellant and the Council.<sup>3</sup>

11. I note that Reason for Refusal 2 (RFR2) relating to the business element of the scheme was withdrawn prior to the Inquiry and was not defended by the Council. Furthermore, I am aware that on 20 July 2012 the Council accepted that the issue of noise (RFR5) was capable of being addressed by an appropriate planning condition.<sup>4</sup>
12. The Appellant and the Council have completed a S106 Agreement<sup>5</sup> to take effect should planning permission be granted for the appeal. Amongst other matters this Agreement provides arrangements for: some 34% of the proposed dwellings on the site to be delivered as affordable units; the enhancement/provision of off site measures to encourage travel to and from the site by means other than the private car including improvements to the local cycle network and improvements to local bus shelters; the enhancement/provision of education facilities; and the maintenance and/or improvement of recycling facilities and/or services.
13. The S106 Agreement also provides for a contribution towards off site public open space including provision and/or enhancement and/or maintenance of a sports ground/sports club for use by the occupants of Honeybourne as well as a financial contribution towards the provision and/or enhancement and/or maintenance of recreational facilities in the Parish of Honeybourne. It includes a public art and community culture contribution to help fund a project aimed at integrating the new community into local village life and public art. I have had regard to the provisions of the S106 Agreement in the consideration of the appeal. I return to the Agreement later in the decision.

## **Main Issues**

14. I consider the main issues in this appeal are:
  - (i) Whether in the light of the development plan, national guidance and other material considerations, including the housing land supply position, the appeal proposal would be a sustainable form of development;
  - (ii) Whether the nature and design of the proposed development would adversely affect the character and appearance of the village;
  - (iii) Whether the proposed development would unacceptably harm the historic, visual and ecological value of the hedgerow fronting Station Road;
  - (iv) The effect of the proposed development on the significance of any designated heritage assets and/or their setting;
  - (v) Whether the occupiers of the proposed dwellings on the site would suffer from excessive noise and disturbance; and

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<sup>3</sup> INQ3

<sup>4</sup> Mr Cahill's Opening Statement paragraph 6

<sup>5</sup> APP7

- (vi) Whether the proposal makes adequate provision for mitigating any adverse impact it would have upon local services and infrastructure.

## **Reasons**

### ***Planning history***

15. I am aware of the planning history of the site and other relevant planning applications. The SCG<sup>6</sup> provides brief details of the only other planning application submitted and relating to the site.<sup>7</sup> The SCG also mentions the planning application and appeal relating to the land on the opposite side of the road. The Applicant (Sharba Homes) has appealed against the Council's decisions to refuse planning permission for this application and a planning appeal Inquiry commenced on 18 July 2012.<sup>8</sup>
16. I am also aware of two other applications which have been submitted. Firstly, I note that the Appellant has submitted a revised planning application relating to the appeal site. Details of this are set out in Mr Edwards' proof.<sup>9</sup> The new application relates to residential development of up to 60 units and a redesigned/re-located vehicular access of Station Road. Secondly, I note there is a planning application submitted by Taylor Wimpey West Midlands which relates to a site of some 4.16 hectares on Grange Farm, High Street, Honeybourne. This application seeks permission for the erection of up to 75 dwellings. Details are included within Mr Edwards' proof.<sup>10</sup> The Council resolved to approve this application subject to various matters including a S106 Agreement on 19 July 2012.<sup>11</sup>

### ***Planning policy background***

17. The development plan for the area includes the Regional Spatial Strategy for the West Midlands (WMRSS) (2008), The Worcestershire County Structure Plan (WCSP) (2001) and the Wychavon District Local Plan (WDLP) (2006).
18. The WMRSS remains part of the development plan, although the SoS is committed to abolishing it. The revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the WMRSS is formally revoked by Order, I have attributed limited weight to the proposed revocation in determining this appeal. There is broad agreement between the parties with regard to the WMRSS policies that are relevant in this case. These are set out in the SCG<sup>12</sup> and there is no need for me to repeat them here.
19. I am aware that the housing figures in the WMRSS are only on a county wide basis and are extremely old, being based on household projections from the 1990s. In respect of paragraphs 214 and 215 of the National Planning Framework (NPPF) full weight cannot be given to the saved policies of this plan and any weight that is given will depend on the degree of consistency with the NPPF. Given the policies relating to housing land requirements are out of date and based on old information then little weight can be accorded

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<sup>6</sup> INQ3

<sup>7</sup> SCG Section 3

<sup>8</sup> APP/H1840/A/12/2172588

<sup>9</sup> Mr Edwards' proof paragraph 8

<sup>10</sup> Mr Edwards' proof paragraph 9

<sup>11</sup> APP2 and LPA2

<sup>12</sup> SCG Section 4

to the policies. They should not be used for future requirements. I note that no WMRSS policy is referred to in the Council's reasons for refusal.

20. The Phase 2 Revision Draft of the WMRSS is not an approved document and therefore it does not form part of the development plan. It is though a document which is a material consideration in this appeal and given the stage reached (Panel Report) would normally be of substantial weight. In a number of appeals the emerging RSS has been given substantial weight, particularly because it has undergone an EIP and the housing figures are more up to date and have been properly examined.<sup>13</sup> The Phase 2 Revision Draft as amended by the Panel seeks the provision of an annual average of 475 dwellings per annum (dpa) in Wychavon in the period 2006 to 2026 (total 9,500 dwellings). The figures contained within the Panel Report remain the most recent objectively assessed figures available, although there have been more recent household and population projections since these were published. The figures in this plan are therefore of weight and are a starting point in the consideration of housing supply.
21. The WCSP was adopted in 2001 and covers the period to 2011. Many of its policies were saved by a SoS Direction under paragraph 1(3) of Schedule 8 of the Planning Compulsory Purchase Act 2004. There is broad agreement between the parties with regard to the WCSP policies that are relevant in this case. These are set out in the SCG<sup>14</sup> and there is no need for me to repeat them here. WCSP Policies SD2, SD4, SD8, CTC5, CTC17, CTC 19, D10 and D26 were referred to in the Council's reasons for refusal. However, the WCSP policies cited in RFR2 are no longer relevant, as RFR2 has been withdrawn.
22. The WCSP does contain housing figures relating to Wychavon. In respect of paragraphs 214 and 215 of the NPPF full weight cannot be given to the saved policies of this plan and any weight that is given will depend on the degree of consistency with the NPPF. Given the policies relating to housing land requirements are out of date and based on old information then little weight can be accorded to the policies. The policies relating to the provision of housing were not saved. There is therefore no figure relating to housing provision within this plan.
23. The WDLP was adopted in 2006 and covers the period 1996 to 2011. Many of its policies were saved under a Secretary of State Direction in May 2009. A number of policies within the plan were not saved. There is broad agreement between the parties with regard to the WDLP policies that are relevant in this case. These are set out in the SCG<sup>15</sup> and there is no need for me to repeat them here. WDLP Policies GD1, GD2, GD3, SR5, ENV1, ENV7, ENV8, ENV10, COM2, COM12 and ECON6 were referred to in the Council's reasons for refusal. In respect of paragraphs 214 and 215 of the NPPF full weight cannot be given to the saved policies of this plan because the plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004 and any weight that is given will depend on the degree of consistency with the NPPF.

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<sup>13</sup> Mr Bateman's proof and appendices

<sup>14</sup> SCG Section 4

<sup>15</sup> SCG Section 4

24. I note that the policies relating to housing provision are time expired and are out of date so limited weight can be given to these policies. Any interpretation of policies within the WDLP which sought to restrict a ready supply of housing and therefore adversely impact on the NPPF requirement to "boost significantly the supply of housing"<sup>16</sup> would clearly conflict with the NPPF. In respect of housing supply, Policy SR1 sought to provide 7,450 dwellings in the District between April 1996 and March 2011 (497 dpa). The plan is therefore time expired in respect of housing provision policies.
25. Emerging Local Planning Policy is contained in the South Worcestershire Development Plan (SWDP). This is being produced jointly by Wychavon District Council, Malvern Hills District Council and Worcester City Council to guide development in the South Worcestershire area. The Preferred Options version of this document was the subject of a public consultation exercise that ended in November 2011. The most recent timetable for the SWDP outlines that the Council aims to consult on the pre-submission draft in November 2012, with the document being submitted to the Secretary of State in March 2013. The independent Examination would be likely to take place in July 2013 with adoption in December 2013. In respect of housing in Wychavon the document suggests that 7,803 dwellings will be provided in the period 2006 and 2030. There have been a number of objections to this figure and inevitably it will be discussed in detail at the independent Examination. The Council has recently resolved<sup>17</sup> to increase the dwelling requirement figure in the SWDP to a total of 23,200 dwellings with the Wychavon figure (excluding WWA) being 8,900 dwellings. Given the stage reached the SWDP can be given little weight.
26. With regard to other documents, I am aware of the Worcestershire Strategic Housing Market Assessment (2012) (WSHMA). This document considers a great deal of background information relating to housing and population within the area, including projections for households. There are a number of detailed concerns with this document in respect of the work that has been undertaken in respect of household projections, not least because of its significant divergence with the demographic projections used by ONS. The document has not been subject to any public consultation and I consider it can be given little weight at this appeal.
27. The following Supplementary Planning Guidance and Documents are relevant in the assessment of this appeal: Developer Contributions Towards Service Infrastructure SPG; Developer Contributions for Education Facilities SPD; Affordable Housing SPG; Water Management SPD; Planning and Wildlife SPD Development Guide - Developer Contributions to Public Open Space; and the Residential Design Guide SPD. I also have taken into account the Written Ministerial Statement Planning for Growth<sup>18</sup> and Laying the Foundations,<sup>19</sup> which emphasises the Government's approach to house building and the need to provide action to build more houses and to boost economic growth.
28. The NPPF was published in March 2012. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of

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<sup>16</sup> Paragraph 47

<sup>17</sup> APP13

<sup>18</sup> March 2011

<sup>19</sup> November 2011

sustainable development<sup>20</sup> and makes adjustments to some specific policies. Paragraph 7 of the NPPF explains the three dimensions to sustainable development – an economic role, a social role and an environmental role. Paragraph 17 sets out 12 principles that planning should achieve. Paragraph 47 indicates that the Government’s ambition is to boost significantly the supply of housing. Moreover, paragraph 49 indicates 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 NPPF also sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the NPPF. I have taken the NPPF into account as a material consideration in this case.

### **Issue 1 – Housing Land Supply and Sustainability**

29. From the evidence that is before me there are a number of shortcomings in the Council’s approach in this case particularly in relation to the wider development plan context. Firstly, the Saving Letters<sup>21</sup> made clear that the Council should adopt a 2004 Act<sup>22</sup> compliant development plan "promptly". That request was made in May 2009 and there is still no such development plan nor will there be until the end of 2013. This failure is compounded by the fact that the time period which the WDLP was intended to cover expired on 31 March 2011. Secondly, the Council supported the Option Figure of 9,100 for WDC for the period 2006 to 2026 which was presented for Examination by the Panel.<sup>23</sup> That Preferred Option was submitted in draft in December 2007 and committed the Council to providing 9,100 over the 20 year period, i.e. 455 dpa starting from 2006.
30. Thirdly, it is clear that the Council has not achieved this total in any one year since 2006. Instead it has relied upon the saved policies to refuse planning applications such as this. Overall this approach is in direct conflict with the advice in the former PPS3 (2006) to bring about a "step change" in housing land supply. It also ignores the Planning for Growth's injunction to issue planning permissions where possible which was issued in March 2011 and most recently it denies that the failure to make 5 year provision engages paragraph 14 of the NPPF by reason of paragraph 49.
31. It seems to me that the "Saving Letters"<sup>24</sup> make clear the contingent basis upon which the policies were saved, namely the requirement in the decision making process to have regard to up-to-date policies, such as the former PPS3, which required a 5 year land supply. These "material considerations", now include the NPPF, which means that it is simply not good enough to regard saved policies as an opportunity to refuse rather than grant planning permission. The Council’s approach is at odds with the requirement in the Saving Letters. Relevant policies in the WCSP and the WDLP must be viewed in the context of paragraph 215 of the NPPF. Importantly, there is an obligation to consider the development plan in the light of any absence of a 5 year supply which predated the NPPF and can be traced back to 2006.

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<sup>20</sup> Paragraph 14

<sup>21</sup> Mr Bateman’s Appendices 9 and 10

<sup>22</sup> Planning and Compulsory Purchase Act 2004

<sup>23</sup> Mr Bateman’s Appendix 7 page 105

<sup>24</sup> Mr Bateman’s Appendices 9 and 10

32. It is common ground in this case that the Council is unable to demonstrate a 5 year housing land supply. It follows that paragraph 49 of the NPPF is engaged. The Council does not accept that land supply polices which are not "up-to-date" (paragraph 49) must therefore be considered "out of date". I disagree with the Council's interpretation. The Council also argues that the extent of the housing supply deficit is relevant when ascertaining the weight to be attributed to this fact in the overall assessment of the proposal. However, I cannot find evidence to support this view. The Council's delivery record is very poor (234 dpa<sup>25</sup>) when compared to the targets it set for itself in 2007 (455 dpa) and 2012 (371 dpa).
33. In my view the target should be guided by the WMRSS Panel Report which indicates a figure of 9,500 additional dwellings i.e. 475 dpa.<sup>26</sup> This remains a reliable evidence base, consistent with the NPPF.<sup>27</sup> More up to date information is available in the CLG 2008 Household Projections and the 2010 population figures adjusted by using the Chelmer Model are now available and relevant.<sup>28</sup> The result of using these three information sources is that it is obvious that the Council has a 5 year supply of below 3 years when the correct approach is adopted.<sup>29</sup>
34. The Council argues that it has responded proactively to the recognised shortfall by granting planning permissions beyond the WDLP development boundaries. In addition, it states that the lack of completions is, in very large part, due to the on-going economic recession, especially the dearth of finance, which is beyond the control of the Council rather than a lack of extant planning permissions. Whilst this may be so I note that the Council prefers to rely on the housing provision figures in the emerging SWDP. In my view there are fundamental problems with this. Firstly, it is not yet "objectively tested" in the context of the NPPF.<sup>30</sup> Secondly, it relies upon WSHMA figures to which unjustified adjustments have been made.<sup>31</sup> Thirdly, the SoS places importance upon tested figures. This was confirmed in a recent decision in Salford.<sup>32</sup>
35. Fourthly, the Council was unable to point to one recent decision where an Inspector or the SoS had relied upon figures in an emerging plan. Neither could Mr. Bateman. Fifthly, reliance upon the emerging SWDP conflicts with The Planning System: General Principles paragraph 18 as the plan is not likely to be submitted for independent Examination until March 2013. Nor can it be afforded weight under paragraph 216 of the NPPF for reasons already set out above. Finally, the Bishops Cleeve decisions make clear that little weight can be attached to a Preferred Options document which is yet to be consulted upon.<sup>33</sup> The most recent overall timetable for the SWDP also refers to a Preferred Options Consultation document which is indicative of its present status.<sup>34</sup> For all the above reasons I consider that the full, objectively assessed housing needs target cannot be the SWDP figure.

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<sup>25</sup> Mr Bateman's proof paragraph 7.5

<sup>26</sup> Mr Bateman's Appendix 7 page 126

<sup>27</sup> NPPF paragraph 218

<sup>28</sup> NPPF paragraph 159

<sup>29</sup> Mr Bateman's proof and APP12 Tables 4-6

<sup>30</sup> NPPF paragraph 47

<sup>31</sup> Mr Bateman's evidence at page 37 onwards

<sup>32</sup> APP10 paragraph 15

<sup>33</sup> APP9 paragraph 19

<sup>34</sup> APP13 paragraph 14



36. The Council considers that the residual method for assessing housing needs should be preferred over that of the Sedgefield approach. It is common ground that the NPPF is silent on the matter. However, the Council was unaware of any post NPPF decision which followed the residual approach. Recent pre-NPPF decisions by the SoS expressly approve the Sedgefield approach at Andover and Moreton in Marsh.<sup>35</sup> In my view, it is inconsistent with Planning for Growth and the NPPF paragraph 47 to meet any housing shortfall by spreading it over the whole plan period. Clearly it is better to meet the shortfall sooner rather than later. Moreover, if the buffers are brought forward into the first 5 years as in the NPPF,<sup>36</sup> so also should the shortfall. I cannot agree with the Council's use of the residual method. In my view the Sedgefield approach should be used for the reasons outlined.
37. There was debate at the Inquiry as whether the Council was a 5% authority or 20% authority in relation to buffers. The test is to be found within NPPF paragraph 47 which refers to "persistent record of under-delivery." When using the SWDP figures (371 dpa) measured from 2006, the agreed table attached to APP16 shows the Council's delivery rates compared to the required rate. It is clear from this evidence that in every one of the last 6 years delivery is below the SWDP requirement of 371 dpa.
38. In my view that failure to deliver amounts to a "persistent" record of under-delivery. Indeed the overall deficit is 823 dwellings which equates to over 2 years. Clearly if the figures in the Phase 2 Revision Draft of the WMRSS were used the deficit would be considerably more. The evidence of the deficit figures left the Council with no option other than to accept that this is a 20% authority. Moreover, it cannot be right to blame the slump in the property industry for under performance so long as there is not a 5 year supply of sites available now as required by paragraph 47 of the NPPF.
39. In terms of housing supply calculations and the need to identify a supply of specific and developable sites, I am aware that the Appellant's approach was not to argue for exclusion of any site. The Appellant simply referred to the circumstances of each and concluded that a 10% reduction was justified overall and reasonable having regard to lapses, delays and reduced delivery. The comparison of the 2006 AMR forecasts with actual deliveries showed this was justified and conservative.<sup>37</sup> Moreover, this approach is supported by "*Housing Land Availability*" DOE, Planning and Research Programme Paper, Roger Tym and Partners 1995 and it was accepted in planning appeal decisions at Moreton in Marsh<sup>38</sup> and Marston Green.<sup>39</sup> I recognise from the table included in the Appendix to APP16 that delivery is often less than expected. Overall I consider it is reasonable to allow for a 10% discount on sites with planning permission.
40. I also accept the Appellant's approach in excluding large windfalls from future delivery. To include them there must be "compelling evidence" according to paragraph 48 of the NPPF. Even in the past there were no large windfalls in 2006/7 and 2008/9.<sup>40</sup> So far as the future is concerned I

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<sup>35</sup> Mr Bateman's Appendices 3 and 15

<sup>36</sup> NPPF paragraph 47

<sup>37</sup> See figures in APP16 Appendix

<sup>38</sup> Mr Bateman's Appendix 15 paragraph 178

<sup>39</sup> Mr Bateman's Appendix 13 paragraph 8

<sup>40</sup> Mr Davies' Appendix D Table 4

consider these sites would either be allocated – in which case to include them would be double counting – or will be granted on appeal – in which case there would not be any "compelling evidence" of future delivery, merely the chance thereof. In my view large windfalls should be excluded from the calculation.

41. The Council indicates that there have been 485 small windfalls developed over 6 years which equates to approximately 80 dpa.<sup>41</sup> The previous percentage of garden land planning permissions of all windfalls was 28%<sup>42</sup> and therefore the appropriate figure using the Council's evidence is 72% of 80 which equals 58 dpa. This compares with the Appellant's estimate of 55 dpa. The Council's 5 year figure of 490 for windfalls is not reliable or based on "compelling evidence": quite the opposite, it is contradicted by the evidence. The appropriate figure should be  $58 \times 5 = 290$  or  $55 \times 5 = 275$ .
42. Taking into account all of the above information it is clear to me that the Council does not have a 5 year housing land supply available. The Appellant's evidence indicates a number of ways of calculating housing supply based on housing requirement figures using policy advice and based on the most up to date information. In respect of the Appellant's supply figure, which I prefer, there is between 1.9 to 2.76 years supply. Taking account of the 20% buffer required by NPPF, this amounts to a shortfall of between 3,129 and 1,705 dwellings. Using the Council's supply figures the years supply situation improves to between 2.56 and 3.71 years supply. Taking account of the 20% buffer required by NPPF there is a shortfall of between 2,627 and 1,203 dwellings.<sup>43</sup> In all cases there is always less than a 5 year supply available. In my view, the Council has serious housing land supply problems. It is imperative that restorative action should be taken.
43. It is common ground that the appeal is in conflict with Policy GD1 of the WDLP. The Council argues that due weight, not full weight, should be applied to the conflict in the light of the current housing supply deficit. I accept that the proposed development lies beyond the defined settlement boundary of Honeybourne and I attach some weight to that conflict. However, I am aware that the Council has granted planning permissions for other schemes beyond the settlement boundaries such as at Copcut Lane, Droitwich Spa. I also note the advice in paragraph 47 of the NPPF to boost significantly the supply of housing and paragraph 49 of the same document which indicates 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. It is agreed that in this context paragraph 14 of the NPPF comes into play and also that no "relevant policies"<sup>44</sup> affect the appeal site. The test therefore is whether the advantages are "significantly and demonstrably" outweighed by the benefits. This can be tested by reference to the 3 dimensions to sustainable development.<sup>45</sup>

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<sup>41</sup> Mr Davies' Appendix D Table 4

<sup>42</sup> Mr Davies' Appendix D Table 4

<sup>43</sup> APP12 Tables 4-6

<sup>44</sup> NPPF paragraph 14 footnote 9

<sup>45</sup> NPPF paragraph 7

44. In terms of an economic role I consider the housing construction would bring direct and indirect employment according to "Laying the Foundations".<sup>46</sup> The location is adjacent to a Category 1 village with good services and transport links including a nearby railway station. The employment element of the scheme would provide the opportunity for local employment.<sup>47</sup> The open space on site would be new village "infrastructure". In terms of a social role, I consider that open market housing is needed as evidenced by the deficit in the 5 year housing land supply. There is also a significant under provision of affordable housing against the established need figure and an urgent need to provide affordable housing in Wychavon. The local services are accessible. The new development would serve to "knit in" the Stephenson Green development as part of the village.
45. In terms of an environmental role, I consider that any necessary development brings about change and this one is no exception. I am aware that in a recent SoS decision for a residential development at Burgess Farm Worsley, the SoS acknowledged that development of the site *"would result in the permanent loss of an area of open countryside enjoyed by local people; encroachment into the wildlife corridor; a significant intrusion into the setting of Walkden; and that it would seriously degrade the character and appearance of the area and the amenities of neighbouring residents (IR206)."*<sup>48</sup> Nevertheless, the SoS decided that the proposal would have an environmental role. *"... by providing open areas and nature parks. He accepts that there are substantial environment disbenefits to the development of this site including the loss of countryside that is valued by residents and the impact on the rural setting of Walkden."*<sup>49</sup>
46. It follows that even a site which has the effect of seriously degrading the character of an area can still have an environmental role. In this case the development (i) would lead to the loss of 23m of hedgerow but would provide planting on the northern boundary of the site with a new one; (ii) would lose some ridge and furrow but makes publicly available for close enjoyment by future generations the best of what would remain. This represents a net benefit in its own right according to the evidence of the Appellant's expert, and (iii) would provide a large open space with woodland, grass management and three SUDS areas all of which would increase biodiversity.
47. Overall I conclude on the first issue whilst there would be conflict with aforementioned development plan policies, other material considerations including the housing need position far outweigh such conflict. This is genuinely a sustainable form of development as envisaged in the NPPF.

## **Issue 2 – Effect on the character and appearance of the village**

48. The Council refers to particular paragraphs in the NPPF as providing evidence as to why the appeal proposal should be rejected. Paragraphs 17 and 56 to 64 in relation to design are highlighted. It is common ground between the parties that the yardstick to which the appeal proposal should be judged is whether it can be characterised as high quality design. Paragraph 64 states

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<sup>46</sup> Mr Bateman's Appendix 5 page 57 paragraph 11

<sup>47</sup> Report by Halls (Worcester) LLP November 2011

<sup>48</sup> APP10 paragraph 21

<sup>49</sup> APP10 paragraph 28

that permissions should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. The Council submits that by siting the vast majority of the houses (64 of the 70 units) in the north-west corner of the site most of the development would be poorly related to, and visibly divorced from, the remainder of the village. The Council also argues that the scheme runs contrary to Policy GD2 of the WDLP and the provisions of the Council's Residential Design Guide SPD, notably paragraphs 4.3 and 4.7. It is claimed that the proposed development would be seen as detached and not well connected to Honeybourne.

49. From the evidence that is before me and from my site visit, it seems to me that Honeybourne, has grown in a rather haphazard and fragmented way over the last 100 years and, should the proposed development be implemented, it would not be uncharacteristic of the way in which Honeybourne has evolved. Whilst layout is a reserved matter, I consider that the appeal proposals would conform to the Council's SPD. The scheme has taken appropriate care to reflect the surrounding scale and appearance of the existing settlement in the design of all the built environment; and its design ensures that it would fit into the surrounding built environment and landscape. Moreover, the proposed layout provides a clear contrast between the public and private realm and it includes home zones which establish pedestrian priority. In addition, the proposals are of a higher design quality than the Stephenson Way development, which was granted consent by the Council in 2001.
50. In my view, the scheme is designed in such a way as to maximise the public benefit of the scheme to the local community, including dedicated public open space, community woodland (2.16 hectares) and it would make a positive contribution in terms of local employment and community facilities. It could hardly be described as exclusive or indeed 'non inclusive'. The layout of the housing is outward-looking offering plenty of natural surveillance both to the open space and Station Road. Furthermore, the layout completes and creates a more robust boundary to the settlement than the weak and poorly defined edge created by the 1970's housing to the south.
51. Having regard to the advice in the NPPF, I consider that the development constraints attributed to the location of the gas main do not provide sufficient negatives to warrant dismissing this appeal. Given that the consent of the development would be representative of Honeybourne's organic evolution, and the scheme conforms to the principles of high quality inclusive design, from a design perspective there is no reason why the appeal scheme should not be granted planning permission. On the second issue I conclude that nature and design of the proposed development would not adversely affect the character and appearance of the village.

### ***Issue 3 - Effect on the hedgerow fronting Station Road***

52. The Council points out that hedgerows are a characteristic feature of the Worcestershire countryside and that the value to be attached to the hedgerow is high as it is a recurring and oft-repeated theme of the "Village

Claylands" LCT.<sup>50</sup> The single key primary characteristic of this landscape type is "hedgerow boundaries to fields". The LCT information sheet states that these are landscapes where the conservation of the hedgerow network is of prime importance and the landscape guidelines indicate that the pattern of hedgerow boundaries should be conserved. It is agreed that by applying the criteria under the Hedgerow Regulations 1997, the hedgerow is 'important' but it is in no way exceptional compared to other hedgerows of similar age in Worcestershire. It is also agreed that the proposed development would only result in a relatively small loss of hedgerow amounting to 23m in length with the remaining hedgerows on Station Road totalling 269m being retained in the development. In the Appellant's view the hedgerow is unkempt and suffers from extensive elm death from disease, albeit it currently remains dense, stock proof and an effective visual screen.<sup>51</sup> It is also common ground that the Station Road hedgerow is the principal habitat on the appeal site but it is not unusually valuable in terms of biodiversity compared with others in the county.

53. The Appellant's survey of the Station Road hedge indicates that the portion of hedge in Highway Authority ownership on the road embankment has limited species diversity with hawthorn dominant. There is then a break in the hedge which serves as the current field access. Immediately south of this break in the hedge the hedge vegetation is dominated by elm which is suffering from Dutch Elm disease leading to extensive dieback of the hedge. Progressing south the quality and species composition of the hedge improves but at chainage 220-254m is not of high quality because this is where the high pressure gas main was laid which involved the removal of a 35m length of hedge to provide a working corridor for construction works. This gap has subsequently been replanted with a single species of hawthorn. The lengths of hedge between chainages 172-220m and 268-310m are typically more species diverse.<sup>52</sup>
54. The Council argues that the proximity of a number of the dwellings in the proposed development as well as the direct loss of hedgerow as a consequence of the proposed new accesses from Station Road would devalue its importance and threaten its wellbeing contrary to WDLP and WCSP policies and national guidance. I disagree. Whilst the relatively small loss of part of this hedgerow is regrettable from both a visual, historical and ecological viewpoint, the impact has to be assessed against the backdrop of the mitigation and landscape strategy proposed for the site. This includes the improved management of the retained hedgerow which would increase species diversity and wildlife population density, as well as increasing visual and amenity value. The retention of most of the hedgerow, its long term protection and management as part of the wider public open space would be a positive benefit which significantly outweighs the minimal and minor loss of hedgerow to gain access to the site. I consider that the Council's concern about a maintenance strip to the side of the hedge of a sufficient width so as to act as a buffer to protect the ecological value of the hedge is a detailed layout matter which could be resolved at the reserved matters stage.

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<sup>50</sup> LPA3 - Village Claylands Landscape Character Type Information Sheet

<sup>51</sup> Mr Dobson-Smyth's proof, paragraph 6.3.5

<sup>52</sup> Mr Dobson-Smyth's Hedgerow Survey Plan Drg No. 902B-01

55. In my view the loss of hedgerow would be compensated for by the provision of new hedgerow, SUDS areas, open space and extensive new tree planting in the proposed community woodland. The loss of hedgerow would be more than compensated for in the ecological sense by the positive wider impact set out above. Whilst the hedgerow has historic value the extent of the loss is limited compared to the loss of 123m at the Taylor Wimpey site.<sup>53</sup> The Council's witness agreed that the hedge fronting the Taylor Wimpey site was similar to the one at Station Road albeit the former has a lower ecological value since it has fewer species and contained a higher proportion of dead/dying elm. I consider the visual impact of the loss at the appeal site would be minor compared to the major removal at the Taylor Wimpey site. The absence of a 5 year housing land supply also adds considerable weight in favour of allowing the development. I consider that there would be no material harm to the WDLP and WCSP policies as overall the proposal would conserve and enhance biodiversity through mitigation and compensatory measures. Similarly there would be no conflict with national advice including that contained in the NPPF paragraph 118. On the second issue I conclude that the proposal would not unacceptably harm the historic, visual and ecological value of the hedgerow fronting Station Road.

***Issue 4 - Effect on the significance of heritage assets and/or their setting***

56. Both parties acknowledge there are ridge and furrow earthworks on the site that are undesignated heritage assets. The LCT for the area records the notable representation of ridge and furrow. The ridge and furrow earthworks are agreed to be locally significant in view of their survival and, to a lesser extent, their condition. The remains are in poor condition but do survive to a height of about 400mm and are readily visible. They are a visual expression of medieval arable activity. There is variation in condition over the appeal site. From the Appellant's evidence ridge and furrow is not rare within Honeybourne. However, they are vulnerable to rapid reduction by ploughing of land which may mean that they become rarer.<sup>54</sup> The earthworks within the site contain two areas of ridge and furrow on different alignments, but no other features of note.
57. The proposed development would retain about 50% of the earthworks but as the preservation is better to the east the proportion increases to about 80% of the better preserved earthworks. The development proposals would also greatly increase the potential for appreciation. The earthworks are readily visible and they would fall within the open space provision. Although there may in principle be some minor loss of a non-designated heritage asset of local significance, the significant retention of much of the best and most well preserved areas of ridge and furrow and its long-term protection means that there are more benefits to the proposals here in terms of heritage assets, which substantially outweigh the minor adverse impact. I consider there would be no material conflict with WCSP Policy CTC17, WDLP Policy ENV10 or the advice in the NPPF. I conclude that the development would not have an adverse effect on the significance of undesignated assets or their setting.

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<sup>53</sup> APP1

<sup>54</sup> Mr Woodiwiss' proof page 9

### ***Issue 5 - Effect of noise and disturbance on future occupiers***

58. The Council's RFR5 indicates that the appeal site lies adjacent to Station Road and a mainline railway. It refers to the submitted Noise Assessment and records that parts of the site suffer from noise levels that require either a stand-off between the proposed dwellings and the road/railway or design measures incorporated in the proposed development such as the positioning of gardens and habitable rooms away from the sources of noise. It is argued that the submitted layout plan does not reflect the recommendations set out in the Noise Assessment and therefore the proposal would conflict with Policy GD2 of the WDLP and the provisions of the former PPG24.
59. The Appellant has confirmed that there are two remedies for addressing the ambient sound levels which represented a constraint of less than 1dB(A) in magnitude. Mitigation can be achieved either through the introduction of stand-off distances between the noise source and the proposed dwellings or by incorporating noise reduction features into the design of each dwelling. All that needs to be done in relation to the proposed dwellings within noise band NECB shown on Drawing MID3157/003 Rev A could be as simple as double/triple glazing detail with acoustic grade trickle vents, acoustically attenuated wall construction and other building elements, given that the noise levels to be achieved are only a reduction of less than 1 dB(A) from ambient noise levels. At the outset of the Inquiry both parties agreed that issue could be dealt with by means of a planning condition.
60. I am aware that in relation to the proposed development at Copcut Lane Salwarpe, the level of noise that has to be addressed is 6.8 dBA above the acceptable (former PPG24) levels because 2,400 vehicles pass on the A38 each hour as opposed to 420 each hour on Station Road. I note that the Council was content to use planning conditions to deal with the noise issue at Copcut Lane<sup>55</sup> where the Council wished to grant planning permission but not at the appeal site where the acoustic problems were lesser and could have been addressed either by siting or by construction detail. I consider that the proposal would not be in conflict with Policy GD2 or national guidance on noise. I conclude on this issue that the occupiers of the proposed dwellings on the site would not suffer from excessive noise and disturbance.

### ***Issue 6 - Effect on local services and infrastructure***

61. Both parties agree that RFR7, RFR8, RFR9, RFR10 and RFR11 could be addressed through the completion of an appropriately worded S106 Planning Obligation.<sup>56</sup> A S106 obligation<sup>57</sup> was submitted at the Inquiry and is agreed by the main parties. It was discussed in detail at the Inquiry. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) indicates that any planning obligation entered into must meet the following tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development. I was also provided with an agreed

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<sup>55</sup> Mr Tait's Appendix 13 conditions 12, 13

<sup>56</sup> SCG Section 6

<sup>57</sup> APP7

statement of compliance with the CIL Regulations 2010.<sup>58</sup> From all the evidence that is before me I consider that the provisions of the S106 Agreement complies with paragraph 204 of the NPPF and meets the 3 tests of Regulation 122 of the CIL Regulations 2010. I accord the S106 Agreement significant weight and I have had regard to it as a material consideration in my conclusions. I conclude that the Appellant has made adequate provision for mitigating any adverse impact that the proposed development would have upon local services and infrastructure.

### **Other matters**

62. I have taken into account all other matters raised including the business units proposed, the evidence on site access, sustainable travel, flood risk and drainage. The Council and interested persons raise concerns about the cumulative impact of this proposal and the advice in NPPF paragraph 17 that planning should be genuinely plan-led, empowering local people to shape their surroundings. Reference was made to the fact that there are currently 3 proposals for significant residential development at this village, one of which has now been allowed. It is common ground that some 189 dwellings could be built in the village over the next 5 years which constitutes a 28% increase in the number of dwellings. Concern was expressed about the effect on local services, the effect on the character of the village and on the spatial strategy of the district (SWDP) which anticipates only 75 dwellings in Honeybourne up to 2030. I am aware that there was local preference and Parish Council support for the Taylor Wimpey site.
63. Whilst I understand these concerns I also note that in this case the Council did not include any RFR alleging over-development of Honeybourne nor could there be as the Council has decided to grant planning permission for the Taylor Wimpey site without knowing the result of either of the two current appeals. Certainly it was an option for the Council to await the decisions on these two appeal decisions to determine the "proper level" of development at Honeybourne. The Council has been minded to put other applications in abeyance such as the proposal at Crown Lane, Wychbold.<sup>59</sup> In any event the concept of a "satisfactory" amount of development for Honeybourne comes only from the emerging SWDP to which little weight can be attached for reasons set out above. In my view prematurity should not be given any decisive weight in respect of the appeal proposals.
64. I have also considered the point made by the Council that there may be an alternative proposal which omits the employment land, provides a lower number of dwellings and is likely to cause less material harm to the hedgerow.<sup>60</sup> However, no alternative scheme was submitted to the Inquiry. No alternative is before me and it would not be right for me to comment on such a scheme as it could prejudice the Council's consideration of the matter. In any event I found that overall the appeal proposal would conserve and enhance biodiversity.

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<sup>58</sup> APP15

<sup>59</sup> APP14

<sup>60</sup> See paragraph 16 above



## Conclusions

65. Although the proposal would conflict with some development plan policies including Policy GD1 of the WDLP, I conclude that it represents a sustainable form of development in line with the NPPF and there are material considerations which clearly outweigh this conflict. There are a considerable number of positive benefits in this case such as housing provision, business units, heritage and ecology. In line with paragraph 14 of the NPPF there are no adverse impacts which would significantly and demonstrably outweigh the considerable number of benefits and therefore the appeal should be allowed.

## Conditions

66. Both parties prepared a schedule of suggested conditions which were discussed at the Inquiry.<sup>61</sup> I have considered these conditions in the light of the advice in Circular 11/95. Condition 1 is necessary because the application was made for outline permission. Condition 2 refers to time limits for the submission of reserved matters which I consider is reasonable and necessary. I can see no justification for the shorter time limit proposed in the alternative condition 2 requested by the Council. Condition 3 relating to surface water and foul drainage is necessary to ensure that the site can be properly drained without flooding. Condition 4 is necessary to ensure a satisfactory development. Conditions 5-12 are necessary in the interests of highway safety and to establish measures to encourage more sustainable non-car modes of transport. Condition 13 is necessary in the interests of protecting nature conservation issues. Condition 14 is necessary to protect ridge and furrow earthworks on the site. Condition 15 is necessary to encourage an energy efficient development. Conditions 16-19 are necessary to ensure a satisfactory development of the site. Condition 20 is necessary to ensure that the detailed site investigation and remediation strategy will not cause pollution of ground and surface waters. Condition 21 is necessary to ensure a satisfactory development in the interests of visual amenity. Condition 22 is necessary in the interests of protecting residential amenity. Condition 23 is necessary to ensure that inappropriate uses do not occur.

*Harold Stephens*

INSPECTOR

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<sup>61</sup> APP8

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Jack Smyth of Counsel	Instructed by the Solicitor to Wychavon District Council
He called:	
Mrs Susanne Hiscock Dipl. Ing. (FH) CLMI	Landscape and Natural Heritage Officer
Mr Jonathan Edwards BSc (Hons) Dip TP MRTPI CLMS	Development Manager (Planning)
Mr Fred Davies MTP MRTPI	Policy Manager

### **FOR THE APPELLANT:**

Mr Jeremy Cahill QC	Instructed by Mr Tait, Planning Prospects Ltd
He called:	
Mr Anthony Bateman BA (Hons) TP MRICS MRTPI MCMi MIOd	Managing Director, Pegasus Planning Group
Mr Ian Turvey BSc MSc CMILT MIEnv Sc	Director, JMP Consultants Ltd
Mr Simon Woodiwiss BA (Hons) Prehistory Archaeology MifA	Archaeological Services Manager, Worcestershire County Council
Mr Martin Sullivan MA BSc (Hons) Dip UD MRTPI FRSA	Managing Director, The Urbanists
Mr Nigel Dobson-Smyth BA DipLA Dip UD CMLI	Chartered Landscape Architect and Urban Designer, Arthur Amos Associates
Mr Jason Tait BA (Hons) Dip TP MRTPI	Director, Planning Prospects Ltd

### **INTERESTED PERSON:**

Councillor Alastair Adams	Local Councillor
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## INQUIRY DOCUMENTS

INQ1	Notification of Public Inquiry and list of persons notified, submitted by the Council
INQ2	Letters received in response to the Notification of the Public Inquiry
INQ3	Statement of Common Ground

## DOCUMENTS SUBMITTED DURING THE INQUIRY

### Appellant's List of Additional Inquiry Documents

Reference	Document
APP1	Taylor Wimpey Committee Report
APP2	Update to Taylor Wimpey Committee Report
APP3	Sapcote Road Appeal Decision
APP4	Noise Correspondence
APP5	Taylor Wimpey Layout
APP6	Taylor Wimpey Access Drawing
APP7	Section 106 Agreement
APP8	List of Proposed Conditions
APP9	Bishops Cleeve Appeal Decision
APP10	Salford, Manchester Appeal Decision
APP11	Torquay Appeal Decision
APP12	Updated Housing Land Supply Tables produced by Anthony Bateman
APP13	WDC July Report to Special Council – SWDP Update
APP14	WDC Letter re Crown Lane, Wychbold – 6 <sup>th</sup> July 2012
APP15	CIL Compliance Statement
APP16	Closing submissions including Appendix on Five Year Supply Update

### Council's List of additional Inquiry Documents

LPA1	South Worcestershire Development Plan, Policy SWDP23
LPA2	Resolution on Taylor Wimpey planning application, Ref. No. W/12/01020
LPA3	Landscapes of Worcestershire, Landscape Type Information Sheet – Village Claylands
LPA4	The Hedgerow Regulations – Your Questions Answered
LPA5	Comments from the Council's Planning Policy Officer regarding Public Open Space Requirements
LPA6	Extract of Minutes of Meeting of the Council's Planning Committee for 1 <sup>st</sup> March 2012 referring to Minute No. 190 including resolution of the Committee relating to planning application Ref. No. W.11.02055, Land off Crown Lane, Wychbold
LPA7	Closing Submissions
LPA8	Response to application for costs

### Interested Persons Documents List

IP1	Statement of Councillor Alastair Adams
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## **ANNEX A**

### **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 begins and the development shall be carried out as approved.
- 2) Application for approval of reserved matters relating to the appearance, landscaping, layout and scale of the development must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - the expiration of 5 years from the date of this permission; or
  - the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.
- 3) The development shall not commence until drainage plans and information for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 4) The Reserved Matters details required under condition 1 shall include the following;
  - a. a plan showing how the proposed development relates to the high pressure gas pipeline that runs across the site as well as any Consultation/Exclusion zones as defined by the Health and Safety Executive
  - b. details of the floor levels of the proposed buildings
- 5) Before any dwelling hereby approved is first occupied visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway, (measured perpendicularly), for a distance of 120 metres in each direction along the nearside edge of the adjoining carriageway, Station Road. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above and these areas shall thereafter be retained and kept available for visibility purposes at all times.
- 6) The development shall not be occupied until the approved access arrangements as shown on Proposed Site Access Drawings 0349-011, 12 and 13 have been completed.
- 7) The development shall not be occupied until the road works to the individual units from the adopted highway, their respective individual vehicular accesses and entrance, turning areas and parking facilities have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the

Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

- 8) The development shall not commence until a temporary means of vehicular access for construction traffic between the nearside edge of the adjoining carriageway and the highway boundary and any set back entrance is agreed in writing with the Local Planning Authority in consultation with the Highway Authority and shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 20.
- 9) The development shall not be occupied until the temporary vehicular access for construction is permanently closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 10) The development shall not be occupied until the existing field gated access entrance onto Station Road shall be permanently closed to vehicular traffic in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.
- 11) The development shall not be occupied until secure parking for cycles for the respective dwelling or business unit to comply with the Council's standards is provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter be retained for the parking of cycles only.
- 12) The development shall be not be occupied other than in accordance with the provisions of the submitted Framework Business Travel Plan November 2011 and Residential Travel Plan November 2011.
- 13) No development shall commence until a habitat creation/enhancement and management plan and programme has been submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. The plan shall include (but not be limited to) further details of measures for: the maintenance and enhancement of retained hedgerows, proposed replacement hedge planting and ecological enhancement and habitat creation proposals within the proposed open space and site drainage ponds. The approved habitat creation/enhancement and management plan shall be implemented in full in accordance with the approved programme.
- 14) No development shall commence until measures to protect ridge and furrow earthworks on the site both during and after construction have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved.
- 15) No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - how renewable energy measures are to be incorporated into the proposed development;
  - measures to conserve and recycle water to be incorporated into the proposed development;

- energy efficiency measures to be incorporated into the proposed development; and
- construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials
- an implementation timetable

The approved details shall be implemented and incorporated into the approved development in line with the approved implementation timetable.

- 16) No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials used in constructing the development
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (v) wheel washing facilities
  - (vi) measures to control the emission of dust and dirt during construction
  - (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 17) Applications for the approval of reserved matters shall be in accordance with the principles and parameters broadly described and illustratively indicated in the submitted "Design & Access Statement" (as clarified in Planning Prospects letter dated 9<sup>th</sup> December 2011) including with regard to the general areas of development, floor areas and storey heights. Any reserved matter application shall include a statement providing an explanation as to how the design of the development responds to the Design and Access Statement.
- 18) The development shall not commence until details of the facilities for the storage of refuse for the proposed buildings within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved refuse storage facilities to serve the respective dwelling or business unit have been provided in accordance with approved details.
- 19) The development shall not commence until details of a phasing plan for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan.
- 20) The development shall not commence until the site has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The

remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

- 21) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the proposed open space and the frontage hedge to Station Road (which shall not be demised to individual dwellings) but other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 22) No development shall commence until a noise mitigation scheme designed to minimise the impact from road and railway traffic such that the noise levels within the dwellings do not exceed the recommendations set out in BS8223:1999 Sound Insulation and Noise Reduction for Buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the approved business units shall only be used for B1a and B1b purposes as defined by the Town and Country Planning (Use Classes) Order 1987 (or any order revoking, re-enacting or modifying that Order).