



Penderfyniad ar yr Apêl

Ymchwiliad a agorwyd ar 04/07/12
Ymweliad â safle a wnaed ar 06/07/12

gan Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 17/08/12

Appeal Decision

Inquiry opened on 04/07/12
Site visit made on 06/07/12

by Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM

an Inspector appointed by the Welsh Ministers
Date: 17/08/12

Appeal Ref: APP/A6835/A/11/2166719

Site address: Land at Overlea Drive, Hawarden

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Redrow Homes NW against the decision of Flintshire County Council.
- The application Ref 048032, dated 26 October 2010, was refused by notice dated 28 November 2011.
- The development proposed is the erection of 45 No. dwellings and associated garages and parking, including the provision of 4 No. affordable units & demolition of current out-buildings.
- The inquiry sat for 3 days on 4-6 July 2012.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 45 No. dwellings and associated garages and parking, including the provision of 4 No. affordable units & demolition of current out-buildings on land at Overlea Drive, Hawarden in accordance with the terms of the application, Ref 048032, dated 26 October 2010, and the plans submitted with it and subsequently amended, subject to the conditions detailed in the attached Annex.

Procedural and Background Matters

2. The appeal site is a large field, some 3.11 hectares in size, situated to the south of Overlea Drive, Overlea Crescent and Penlan Drive in the Upperdale area of Hawarden. It is bounded to the north and east by existing residential properties, and a railway embankment runs along its south-western boundary. The site slopes steadily downwards from south to north, and there are the remains of a redundant waterworks close to the rear of some of the properties on Penlan Drive. These comprise 2 brick built plant buildings and an open rectangular shaped reservoir. There is evidence of water flow across the site towards these works, and the site is waterlogged in that area.
3. The site lies within the settlement boundary of Hawarden and is designated for residential development in the adopted Flintshire Unitary Development Plan.
4. The proposed scheme comprises 45 dwellings and associated open space, mainly in the mid-eastern part of the site, where a wetland area would be formed. The redundant waterworks and reservoir would be removed and would be replaced by a

balancing pond as part of the sustainable drainage system. Access would be from the southern end of Overlea Drive.

5. The scheme layout considered by the Council was Revision H of plan 1480-02-02-001, which was part of an amended application submitted in June 2011 for the development described as above. This did not include provision of a children's play area within the public open space. After the appeal application had been refused a second application was made (in December 2011, Ref 049293) with provision for a children's play area near the north-western corner of the site (Revision J of the same plan), and this was amended to show the play area near the southern corner of the site (plan Revision M). The second application was also refused.
6. The Appellant has asked me to consider the Revision M layout as the basis for the appeal, and the Council raises no objection. As that layout was seen and commented on by interested third parties at the time of the second application, I do not consider anyone would be prejudiced by my consideration of that layout. I shall consider the appeal on that basis.
7. A Section 106 Undertaking has been submitted by the Appellant. It makes provision for affordable dwellings, for long-term maintenance of the public open space and play equipment and for financial contributions towards education and leisure facilities. 4 No affordable dwellings would be provided and transferred to the Council for the sum of £1. The Education and Leisure Contributions would be £66,500 and £25,000 respectively, and a Management Company would be set up to own and maintain the open space and play areas.
8. At the Inquiry an application for costs was made by Redrow Homes NW against Flintshire County Council. This application is the subject of a separate Decision.

Main Issues

9. The Council refused the application on 3 grounds: visual impact on the amenity of neighbouring residents; lack of provision of space or facilities for children's play within the site; and failure to make adequate and suitable provision for affordable housing. It has since withdrawn the first reason for refusal. However, local residents maintain their objections on that ground, as well as in respect of highway safety and drainage provisions, and these are important considerations.
10. I consider the main issues in this case to be: whether or not adequate and suitable provision would be made for space and facilities for children's play; whether or not adequate and suitable provision would be made for affordable housing; effects on the amenity of neighbouring residents, particularly in respect of overshadowing and visual impact; effects on highway safety of the immediate road network; and whether or not provisions for foul and surface water drainage would be adequate and would avoid harmful effects on the existing drainage systems in the area.

Reasons

Children's Play Space

11. Although the original scheme included several areas of public open space, including a sizeable strip of land near the eastern end of the site containing a balancing pond and wetland area, it made no provision for outdoor play space. It is reported that negotiations with Council officers had led to these provisions being dealt with by

means of contributions towards off-site facilities, as this was the preference expressed by those officers.

12. UDP Policy SR5 aims for the provision of a minimum of 2.4 hectares of outdoor playing space to be provided per 1,000 population for new residential development, made up of 0.8 ha of children's playing space and 1.6 ha of sports grounds for use by all. The children's playing space should comprise a mixture of formal equipped playing space (0.25 ha) and informal playing space (0.55 ha). For the appeal proposal this amounts to some 880 m² of children's play space, 275 m² of which should be formal play space.
13. It is not in dispute that the requirement for sports ground provision could be met by a contribution towards larger off-site facilities, and the Appellant's Section 106 Undertaking makes adequate provision for a contribution towards this. However, the provision of on-site children's play space is in dispute. The Appellant's 2nd application, in December 2011, included an area of formal play space near the north-western corner of the site but this changed to the southern corner (as on Revision M of the Site Layout plan). It is this proposal that is now before me, though the Appellant also submits that some alternative arrangement could be provided if considered more appropriate.
14. The Council argues that the children's formal play area in this revised layout is too small (only 215 m²), poorly positioned on the periphery of the site where surveillance would be quite limited, and that it has been added as an afterthought rather than being an integral part of an holistic design for the development as a whole. There can be little doubt of the latter, which was an inevitable consequence of the arrangements agreed between the Appellant and the Council's officers being overturned by the planning committee. Nevertheless, the key point is whether or not suitable provisions could be made.
15. I agree with the Council that the southern corner of the site is not the ideal location to serve the development as a whole, or the wider area. The previous proposal to site it near the affordable housing would be better suited to serve part of the development. It has also been suggested that more than one equipped play area might be preferable. However, given that sports ground provision would be made off the site, I have no doubt there is ample public open space within the scheme to accommodate a suitable area (or areas) for formal and informal children's play space. This is a matter of detail that could be dealt with by the use of a suitable planning condition.
16. I conclude that the proposed development could make adequate and suitable provision for space and facilities for children's play in accordance with UDP Policy SR5.

Affordable Housing

17. The scheme makes provision for 4 affordable houses to be provided at the Appellant's cost. Ownership would be transferred to the Council for the nominal sum of £1. However, the Council refused the scheme as it considered 13 units (30% of 45 No.) should be provided to meet the requirements of UDP Policy HSG10. This policy reads: *"Where there is a demonstrable need for affordable housing to meet local needs, the Council will take account of this as a material consideration when assessing housing proposals. Where this need exists the Council will negotiate with developers to provide 30% affordable housing in suitable or appropriate schemes within settlement boundaries."* There is no dispute that the appeal scheme is a *"suitable and appropriate scheme"* and falls to be considered against this policy.

18. The Council has carried out several assessments of housing needs in recent years, including the Fordhams Housing Need Assessment in 2005, which identified the need for 808 affordable houses per year for a period of 5 years (depending on the continued strength of the housing market), and the North East Wales Market Housing Assessment in 2008, which identified the need for 480 new homes per year in Flintshire and recommended that 38% should be dedicated affordable homes. There is no dispute that more affordable housing is needed in Flintshire
19. The decision to include only 4 affordable houses in the appeal scheme was reached after liaison with Council officers, in particular the Housing Strategy Officer and the Planning Officer. They recommended that 4 units be provided and gifted to the Council (for use as rented property) rather than 13 units be provided for shared equity sale, as they considered this approach would be the most appropriate for local affordable housing needs. The Housing Strategy Officer referred to the lack of Council owned rental units in the Hawarden area, the existence of 57 shared equity properties already on 2 new housing developments within 3 miles of the site, the limited number of people on the Council's Affordable Housing register, and their unsuitability for more shared equity housing. Both she and the Ward Councillor were of the view that the provision of 4 gifted units that could be used as rental properties would be more beneficial to those people in need of affordable housing than 13 shared equity units. Shared equity units are no use to anyone if potential suitably qualified owners cannot raise mortgages to buy them.
20. It is pertinent that they maintained that view and made the same recommendation in respect of the 2nd application in December 2011, that the Councillor confirmed at the inquiry he is still of that view, and that no evidence was put forward from the Housing Strategy Officer, which suggests that her view is also unchanged. It is also reasonable to assume that both were familiar with the relevant development plan policies, particularly by the time the 2nd application was considered.
21. The Council maintains that the proposal conflicts with Policy HSG10 as it fails to provide 30% affordable housing and that the burden lies with the Appellant to demonstrate why an exception should be made to the policy. It has described the background to the adoption of the policy, the need for affordable housing, the conclusion of the 2008 Assessment that 38% of all new housing should be affordable units, and the decision to use 30% as the requirement in Policy HSG10. It also criticises the Appellant's reliance on the Housing Strategy Officer's advice and the apparent failure of that officer to take into account the County-wide picture as well as other indicators of local need. It maintains that "local need" should be considered to mean County-wide need.
22. This is all eminently reasonable, and I am in no doubt that the proposal does not comply with the strict wording of the policy. However, one has to look at the wider aims of the policy rather than read it in isolation. Supporting paragraph 11.73 says the Council will enter into negotiations with the developer to secure appropriate mixes of affordable housing types and tenures, and paragraph 11.74 also recommends greater variation in the types and tenures of homes supplied. These indicate that rental properties as well as shared equity properties should be provided, a matter clearly taken into account by the Housing Strategy Officer.
23. Paragraph 11.78 is worth reproducing in full: *"Where schemes do not make provision for 30% affordable housing it will be required that developers ensure the proposal is sufficiently justified to the satisfaction of the Council as to why an exception to the policy should be made. The precise nature and scale of affordable housing provision*

will be the subject of early negotiations between the Council and the Applicant". It is not disputed that early negotiations took place or that the scheme put forward reflected the advice of the Council's officers. Certainly, they considered the exception to policy was justified; indeed they considered it to be preferable. They were also aware that the provision of 4 gifted units was likely to cost the Appellant slightly more than the provision of 13 shared equity units, so that the policy exception was unlikely to be of significant benefit to the Appellant.

24. Arguments were put forward about the meaning of "local" in the context of the development plan policy. However, even though the Council's housing needs assessments have been carried out on a County-wide basis, there is clearly an element of judgement needed in interpreting the weight to be given to need in the immediate locality and that in the wider area.
25. Notwithstanding the evidence of general need put forward by the Council, I find the officer's assessment of local need to be practical and focused on meeting the aims of the policy. The preference for 4 gifted units was based on assessment of several relevant considerations and, although not specifically mentioned in the succinct emails put forward as evidence, one would expect the Housing Strategy Officer to be well aware of the County-wide situation on affordable housing need. It is inconceivable she was not aware of the wider picture and did not take it into account.
26. My conclusion is that the reasons described for preferring 4 gifted affordable units to 13 shared equity units (or other types of similar cost) amount to exceptional circumstances sufficient to justify making an exception to Policy HSG10 and that the proposal would still support the aims of that policy.
27. The Council also disputes the proposal to provide the affordable units as a single terrace located close to the entrance to the development rather than distributed throughout the site. Having reached the conclusion that 4 units would be acceptable and given that the size of the affordable housing units is not in dispute, they could reasonably be provided either as a terrace of 4 or as 2 pairs of semi-detached houses. The Council is not averse to a terrace but argues it should be better integrated with the other houses on the site.
28. As a terrace or as 2 semi-detached pairs the affordable housing would inevitably be different in appearance from the detached market houses. TAN2, Planning and Affordable Housing, advises that affordable housing should be indistinguishable from market housing on the same site in terms of design quality and materials, and the proposal would be consistent with this. Whilst the terrace could be better integrated with the rest of the development if it were located more centrally within the site, its proposed location would be good for access and for integration with existing properties and close to an area of open space. I do not consider the location to be so unacceptable as to warrant refusal on this matter alone.

Amenity of Neighbouring Residents

29. I turn now to the matters raised by third parties. The first concerns the effects of the proposed new houses on the amenity of neighbouring residents, and it is submitted that several existing properties would suffer due to loss of privacy, overbearing visual impact and overshadowing. Particular concerns have been raised about 3 bungalows at the end of Overlea Drive, 3 at the end of Overlea Crescent and 5 along Penlan Drive. Some of these are sited close to the rear of their plots and to the appeal site

boundary, and all are bungalows on land at a lower level than that on which the new houses would be built.

30. The most striking conflict is between proposed Plot 1 and the bungalow at 65 Overlea Drive, which is at a considerably lower level and very close to the site boundary. I consider the interrelationship between these to be unacceptable as the 2 storey new house would have an overbearing visual impact on No. 65 in comparison with its present open aspect. The Appellant has offered to remove Plot 1 from the scheme, and my conclusion is that that would be necessary. It could be dealt with by an appropriate planning condition.
31. The Council's Local Planning Guidance Note No.2, Space around Dwellings, provides guidance on minimum acceptable separation distances between dwellings whilst making the most efficient use of land. The guidance distances take into account differences in ground levels and floor levels. Even allowing for their higher floor levels, the proposed new houses would meet these guideline standards and in many cases considerably exceed them.
32. At present the existing bungalows alongside the site boundary enjoy an open aspect across the site and a high level of privacy from that direction. These would be eroded by the proposed development, and the amenity of the occupants would be harmed. However, I do not consider this harm to be so significant as to be unacceptable (apart from Plot 1). Distances and orientation between the existing and other new houses would provide acceptable levels of privacy and visual impact.
33. Concern has also been expressed about overshadowing, and the Appellant has carried out work to model shadowing at different times of the day and year. Whilst this indicates the new houses would cast shadows over parts of the gardens of some of the existing properties, this would only be significant in winter months when the sun is low in the sky and shadow effects are less pronounced. I do not consider this would materially affect the amenity of the existing neighbouring properties.
34. With regards to amenity as a whole, I conclude that the proposed development would not unacceptably harm the privacy, outlook or sunlight enjoyed by neighbouring properties and would not conflict with the relevant development plan policies, including UDP Policies GEN1, D1 and D21.

Highway Safety

35. There is concern that use of the Fieldside/Gladstone Way junction by increased traffic generated by the proposed development would exacerbate risks to highway safety caused by the substandard nature of that junction. Gladstone Way is the A550 main road, and the junction is on the route most likely to be used by traffic from the appeal site wanting to travel to the south. It is estimated that at peak times the development would generate an additional 10 vehicles per hour using this junction.
36. At present the junction has quite limited visibility for vehicles coming out of Fieldside. Various distances have been quoted over the past few years but at my site visit I estimated the distances along the main road from a position 2.4 metres back from the carriageway edge to be approximately: 10 metres along the nearside kerb to the left; 29 metres along the centre line to the left; and 17 metres along the nearside kerb to the right (the direction of on-coming traffic). These distances fall well below the stopping sight distances recommended in the Welsh Government guidance document, TAN18: Transport, and in Manual for Streets.

37. It is also submitted that visibility is affected by a telegraph pole, and that safety at the junction is also influenced by the close proximity of another road junction on the other side of the main road and a bus stop a little further along. No doubt all of these contribute towards highway safety in the area. Mention has been made of an appeal decision in 2004 (Ref. APP/A6835/A/03/1125022) for development on the same appeal site where the Inspector concluded that traffic using this and the nearby Blackbrook Avenue junction would prejudice highway safety due to the restricted visibility at both junctions.
38. The situation is the same today, except that the Appellant now offers to carry out improvements to the Fieldside junction, which would benefit all traffic using it. In April 2012 planning permission was granted for works to realign the front boundaries of Nos. 89 and 91 Gladstone Way which would improve visibility to the north of the junction to about 70 metres, considerably in excess of the distances recommended in TAN 18 and Manual for Street (whether one uses the 30 mph speed limit or Cllr Carver's 85 percentile speeds). These improvement works could be the subject of a planning condition and would make a considerable improvement to the safety of the junction. Vehicles would be able to look towards the oncoming traffic to the right before edging out slightly to improve the view of traffic approaching from the left.
39. Although visibility to the left would still be substandard, the safety of the junction as a whole would be much improved for all traffic using it. These benefits would far outweigh the small increase in risk associated with the extra traffic from the appeal site. The Council reached the same conclusion on this issue.
40. A number of additional matters have been raised about interpretation of the guidance in TAN18 but these are outweighed by the balance of the main elements of this issue. My conclusion is that the additional traffic generated by the proposed development would not cause increased risks to highway safety on the local road network, and there would be no conflict with UDP Policy GEN1.

Foul and Surface Water Drainage

41. Finally I turn to drainage. Initial proposals for foul drainage included some of the new houses draining into existing sewers in Overlea Drive. However, it is reported that those sewers have been subject to problems, and objections to this arrangement were raised by local residents. Foul drainage for the site has now been redesigned, and it is proposed that all houses will be drained into the public sewerage network in front of No. 13 Penlan Drive. That has overcome the objections and is supported by Dŵr Cymru Welsh Water, the statutory undertaker. There is now no dispute so far as foul drainage is concerned.
42. Surface water drainage in the area is problematic at present, and there remain some uncertainties about water inflow to the site and about how the existing open reservoir operates. These can only be resolved when further work is carried out on the site, including the demolition of the existing reservoir. However, even though some uncertainties remain, the proposed regime for surface water (and other non-foul water) drainage can still be adequately assessed.
43. The appeal proposal would provide a sustainable drainage system, based on a balancing pond, and would achieve a discharge from the site equivalent to the greenfield discharge. The balancing pond would eliminate peak flows, and discharge to the existing public sewerage system would be no more than at present and probably considerably less. The Council, Dŵr Cymru Welsh Water and Environment Agency

Wales have raised no objections to this, and it would be in line with national policy for sustainable drainage, in particular TAN15, Development and Flood Risk. In order to further reduce risks of adverse impacts on the public sewerage system the Appellant would also pay for improvements to be carried out to a length of the combined sewer in Mancot Lane further to the north where there is a pinch point at present.

44. It is known that at present the open reservoir on the site discharges into a sewer at 23 Penlan Drive and thence to Braeside Avenue to the north. It is not known how that discharge from the reservoir is controlled. The proposed scheme would either discharge via the same route as the present reservoir or into a public surface water sewer in front of 11 Penlan Drive. The connection details would be agreed with Dŵr Cymru Welsh Water at a later date; they are not critical now. A suitable condition would ensure an appropriate and acceptable drainage scheme was designed and was subject to approval by the Council.
45. Concerns have also been raised about the boggy nature of parts of the site. However, this would be much improved if proper drainage arrangements were introduced to deal with whatever is causing it. Overall, my conclusion is that the development could be adequately drained without adversely affecting the existing public sewerage systems and would meet the requirements of UDP Policy GEN1.

Overall Conclusion

46. I have taken into account all matters raised but nothing outweighs my conclusions that adequate and suitable provision could be made for children's play space, that there are exceptional circumstances sufficient to justify the provision of 4 No. gifted affordable houses rather than 13 No. required by development plan policy and that these are acceptably located on the site, that effects on the amenity of neighbouring residents would not be unacceptably harmful, that traffic generated would not cause increased risk to highway safety on the local road network, and that the development could be suitably drained without causing adverse effects on the public sewerage network. On balance I conclude it would be in accord with the aims of development plan and national policy.

Conditions

47. A number of conditions would be necessary to ensure the development would be acceptable, and these were discussed in detail at the public inquiry. Conditions are needed to ensure the new houses meet the sustainability standards required by Welsh Government policy and, as discussed above, to ensure suitable foul and surface water drainage arrangements are provided, including the improvements at Mancot Lane, to ensure the Fieldside/Gladstone Way junction improvements are carried out, to ensure children's play space is provided, and to delete development of Plot 1 from the scheme.
48. Conditions are also needed to ensure a landscaping scheme is carried out to the approval of the Council, that measures are taken to protect retained trees during construction, and for a construction management plan to minimise inconvenience to nearby residents during demolition, construction and building works. If the land is contaminated it needs to be safely dealt with, and conditions are necessary to investigate this and carry out any remediation work. Some of the new dwellings will be fairly close to existing properties and, to safeguard their amenity, conditions are needed to control permitted development rights for future changes that might erode the amenity of the neighbouring properties.

49. In the interests of visual and residential amenity, conditions are also needed to control the external materials used for the new houses and to make provision for enhanced double glazing to new houses built alongside the railway embankment. Construction details for the internal access roads also need to be subject to Council approval to ensure they are built to a suitable standard for adoption. Finally, as particular attention needs to be paid to avoiding harmful impact on neighbouring residents of adjoining bungalows on lower level land, the floor levels of the new houses are critical. These are specified in detail on Plan 1480-ENG/100, and I consider it necessary to make this the subject of a condition.
50. Cllr Carver suggested several other conditions, particularly those recommended by Dŵr Cymru Welsh Water. However, these are adequately covered by a more general condition requiring the submission and approval of drainage details by the Council. The conditions above and several amendments and improvements to the drafts put forward at the inquiry were discussed and substantially agreed by the main parties.

Clive Nield

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Cannock of Counsel Instructed by Matthew Georgiou, Council's
Solicitor

He called:

Mr Rhys Davies, Director, Cadnant Planning Limited (formerly
BA(Hon), MRTPI cdn Planning)

FOR THE APPELLANT:

Stephen Sauvain QC Instructed by Paul Wakefield, Marrons.

He called:

Mr Ian Wickett, MCIHT Associate Director, SCP, Transportation Planners.

Mr Paul Sinclair, Technical Director, Redrow Homes Limited (NW
BEng(Hon) Division).

Mr Alasdair Jones, Director of Planning, Marrons (Agent)
BA(Hon), MRTPI

INTERESTED PERSONS:

Cllr Clive Carver Ward Councillor, Flintshire County Council.

Mr Len Rowlands Local Resident.

Mrs Michele Rowlands Local Resident (not related).

Mr Haydn Sweet Local Resident.

DOCUMENTS SUBMITTED AT INQUIRY

- 1.1-1.2 Letters of Notification and details of parties and people notified.
- 2 Signed Statement of Common Ground.
- 3 Opening Statement on behalf of Appellant.
- 4 Appearance List on behalf of Appellant.
- 5 Personal Background note provided by Mr Davies.

- 6 Extract from Unitary Development Plan, Glossary of Terms, on definition of "local housing need", submitted by Council.
- 7 Extract from Manual for Streets, submitted by Cllr Carver.
- 8.1-8.5 Hard copies of certain appeal documents (listed in Marrons' letter to PINS dated 22 December 2011), as requested by Inspector: 19 - Ecological Assessment, dated February 2010; 21 - Amphibian and Bat Survey, dated September 2010; 23 - Revised Application Form; 25 - plans of Revised House Types; and 27 - plan LV 10404-003, Site Investigation Locations.
- 9 Design and Access Statement, dated 19 December 2011, for 2nd Planning Application, submitted by Appellant.
- 10 Section 106 Undertaking submitted by Appellant.
- 11.1-11.3 Draft Conditions put forward by Council; as amended by Appellants; and additional Conditions put forward by Cllr Carver.
- 12 Closing Statement by Cllr Carver.
- 13 Closing Statement on behalf of Council.
- 14 Closing Statement on behalf of Appellant.

PLANS

- A1-A10 Plans submitted with Application in October 2010, as listed in Marrons' letter to PINS dated 22 December 2011.
- B1-B5 Amended plans submitted to Council later, as listed ditto.

Annex of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under category Ene1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009.
- 3) No development shall begin until details of a "Design Stage" assessment and related certification have been submitted to and approved by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless otherwise approved in writing by the local planning authority.
- 4) No dwelling shall be occupied until a Code for Sustainable Homes "Post Construction Stage" assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that Code Level 3 and 1 credit under Ene1 have been achieved and the Certificate has been submitted to and approved in writing by the local planning authority.
- 5) No development shall commence until a scheme for the comprehensive and integrated drainage of the site (showing how foul water, surface water and land drainage will be disposed of) has been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.Development shall be carried out in accordance with the approved details and timetable.
- 6) No development shall commence until a scheme of improvement to the off-site drainage in Mancot Lane has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the first dwelling unless otherwise approved in writing by the local planning authority.
- 7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land

- and details of any to be retained, together with measures for their protection in the course of development and a timetable for the scheme.
- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species, unless the local planning authority gives written approval to any variation.
 - 9) No development shall take place on site until protective fences have been erected around the retained trees and boundary hedges. The developer shall give the local planning authority no less than 2 weeks prior written notice of the commencement of works on the site in order that the Council can verify that the approved protective measures are in place before the work commences. The approved fences shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals, and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - 10) No development shall take place, including any works of demolition, 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:
 - the parking of vehicles of site operatives and visitors;
 - routes for construction traffic;
 - hours of operation;
 - method of prevention of mud being carried on to the highway;
 - protection of public footpath, pedestrians and cyclists; and
 - any temporary traffic restrictions.
 - 11) No development shall take place until an investigation and risk assessment to identify the nature and extent of any contamination on the site has been completed and the results and recommendations submitted to and approved in writing by the local planning authority.
 - 12) In the event that contamination is found, no development, other than that required to be carried out as part of an approved scheme of remediation, shall take place until the approved remediation scheme has been carried out in full. Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority.

- 13) No development shall take place until samples of the materials to be used in the construction of the external walls and roofs of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 14) No development shall be commenced until a revised layout plan omitting Plot 1 has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with that approved plan.
- 15) Finished floor levels of the dwellings hereby permitted shall be strictly in accordance with Plan 1480-ENG/100 unless otherwise approved by the local planning authority.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, roof lights or openings, other than those expressly authorised by this permission, shall at any time be formed in the external walls and roofs of the dwellings on plots 5-12 and 16-21 inclusive without the prior written approval of the local planning authority.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or enlargement (including additions or alterations to the roofs) of the dwellings on plots 5-12 and 16-21 inclusive shall be carried out without the prior written approval of the local planning authority.
- 18) No development shall commence until a scheme of enhanced double glazing or secondary glazing for Plots 37-41 inclusive have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
- 19) No development shall take place until construction details of the internal access roads, including layout, design, means of traffic calming, signing, street lighting, timetable and construction to achieve an adoptable standard, have been submitted to and approved in writing by the local planning authority. The dwellings hereby permitted shall not be occupied or use commenced until the roads are constructed in accordance with the approved plans, details and timetable.
- 20) No development shall commence until offsite highway and visibility improvement works associated with planning application Nos. 048146 and 048147 have been completed fully in accordance with those permissions.
- 21) No development shall commence until a scheme for the provision of on-site children's playing space in accordance with Policy SR5 of the Unitary Development Plan (including timetable) has been submitted to and approved in writing by the local planning authority. These areas of children's playing space shall be provided in accordance with the approved scheme.