



Appeal Decision

Site visit made on 18 October 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/H1840/W/22/3293474

52 Bretforton Road, Badsey WR11 7XQ

- 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 Adrian Cattell, Paul Newman New Homes against the decision of Wychavon District Council.
 - The application Ref 21/01836/FUL, dated 21 July 2021, was refused by notice dated 10 December 2021.
 - The development proposed is for the development of 21 dwellings together with associated accesses, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the development of 21 dwellings together with associated accesses, parking and landscaping at 52 Bretforton Road, Badsey WR11 7XQ in accordance with the terms of the application Ref 21/01836/FUL, dated 21 July 2021, and subject to the Schedule of Conditions to this decision.

Applications for costs

2. An application for costs was made by Paul Newman New Homes against Wychavon District Council. Subsequently, Wychavon District Council has made a costs application against Paul Newman New Homes. These applications are the subject of separate Decisions.

Background and main issue

3. Planning application Ref 21/01836/FUL ('the original scheme') which is the subject of this appeal was refused on 4 reasons, as set out in the Council's decision.
4. The main parties have provided a signed Statement of Common Ground ('SoCG'). This confirms that the Council cannot demonstrate a 5-year housing land supply ('5YHLS'). Furthermore, in order to overcome reasons for refusal 2 and 3 of the original scheme, the appellant has submitted a revised planning application Ref W/22/00896/FUL ('revised scheme'). At the Council's Planning Committee on 22 September 2022, Members resolved to grant planning permission for the 'revised scheme' subject to the appellant entering into a S106 Agreement.
5. In light of the above, for the purposes of this appeal, the appellant seeks to substitute the drawings submitted as part of the 'revised scheme' for the 'original scheme'.

6. The revised plans incorporate the following principal amendments, the provision of a 3 bedroom unit at Plot 20 in place of a 4 bedroom unit and the setting back of Plot 1, thereby increasing the overall area of public open space. The garage/parking spaces to Plot 3 are moved back about 1.2m and for Plot 5 a boundary fence repositioned and a turning area added alongside this plot.
7. The proposed changes do not fundamentally alter the nature of the original scheme. Furthermore, the Council supports this approach and has had the opportunity to assess the revised scheme through the planning application process. Also, through the application process, interested parties have been able to consider and comment on the revised scheme.
8. Following the submission of a completed S106 Agreement, the revised scheme has been approved under planning permission Ref W/22/00896/FUL.
9. For the above reasons, I have proceeded with the appeal on the basis of the amended drawings (revised scheme) and I do not consider that the interests of any party have been prejudiced by my having done so. In light of this and by not having a 5YHLS, the Council has conceded that together these factors overcome reason for refusal ('RfR') 1 (suitability of the appeal site for housing), RfR 2 (housing mix) and RfR 3 (layout and design).
10. Having taken account of the evidence before me, including the Officers Report in respect of the approved revised scheme, the Council has already accepted that the appeal site is suitable for housing and that the housing mix, layout and design of the proposal are acceptable. Consequently, I am satisfied that the scheme before me addresses reasons for refusal 1, 2 and 3.
11. Although the main parties have submitted a signed S106 Agreement dated 19 October 2022, I need to be satisfied that this addresses RfR 4.
12. Accordingly, the main issue is whether the submitted S106 Agreement makes appropriate provision for the following:
 - a contribution towards local education facilities;
 - a contribution towards the Herefordshire and Worcestershire Clinical Commissioning Group;
 - a contribution towards local transport infrastructure;
 - a contribution towards built sports facilities;
 - affordable housing; and the delivery and management of open space.

Reasons

13. Policy SWDP 15 of the South Worcestershire Development Plan (SWDP), requires that on sites of 15 or more dwellings on greenfield land, 40% of the units should be affordable and provided on site. The number, size, type, tenure and distribution of affordable dwellings to be provided will be subject to negotiation. The completed S106 Agreement includes a covenant agreeing the provision of 8 on-site affordable units to comprise a mix of first homes and shared ownership units. In addition to this, an affordable housing contribution of £25,594 has also been agreed. On this basis, the proposal makes appropriate provision for affordable housing commensurate with the scale of the scheme.
14. The provision of an additional 21 dwellings in this location would result in an increase in the local population, with subsequent impacts on schools, social infrastructure such as health and recreation facilities. To this end, the S106

Agreement includes obligations for a financial contribution of £90,310 towards local first school provision, and a £7,889 financial contribution is agreed towards local primary health care provision. To cater for the transport needs arising from the development, in particular elderly and disabled residents, a financial contribution of £6,426 is agreed for community transport.

15. Policy SWDP 39 of the SWDP requires development proposals exceeding 5 dwellings to make provision for Green Space and Outdoor Community Uses together with secure arrangements for its long-term management and ongoing maintenance. Policy SWDP 39 Part B states that in cases where it will be impractical and inappropriate to deliver all the open space typologies on site, development contributions towards off site provision will be sought and secured through a legal agreement. The development would provide sufficient natural amenity space on site through the inclusion of public open space.
16. A Public Open Space financial contribution of £18,659.94 is also agreed for the provision, improvement and/or enhancement of public open space including formal sports pitches serving the development. The S106 Agreement also makes provision for the formation of a Management Company for the purposes of managing and maintaining the Open Space. In addition to this, the S106 Agreement includes a covenant for the provision of a sports and leisure financial contribution of £13,326 for improvements at Badsey Sport and Recreation Club.
17. For the above reasons and on the evidence before me, the obligations in the submitted S106 Agreement are necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the National Planning Policy Framework ('the Framework') and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
18. Accordingly, the provisions of the S106 Agreement will support affordable housing and the delivery and management of open space, along with financial contributions towards local education, health, sports facilities and transport infrastructure.
19. As such, the proposal accords with SWDP policies SWDP 15, SWDP 39 and guidance in the Council's Developer Contributions Towards Service Infrastructure Supplementary Planning Guidance and Affordable Housing Supplementary Guidance. The proposal is also consistent with the aims of SWDP Policies SWDP 7 which requires that developments provide or contribute towards the provision of infrastructure needed to support them and SWDP 1, which reflects the presumption in favour of sustainable development contained in the Framework and supports proposals which improve economic, social and environmental conditions in South Worcestershire.

Other Matters

20. In addition to the matters raised in the Council's reasons for refusal, third parties have made representation regarding other matters, including the suitability of the proposed access to the development, increase in traffic, congestion and highway and pedestrian safety implications arising from the proposal, loss of wildlife habitats, inadequate public transport links and the implications of the different levels between the appeal site and adjoining land and properties.

21. These matters have been largely addressed by the Council in determining the original scheme and did not form part of its reason for refusing the proposal. I have no compelling reasons to take a contrary view. In any event, given the particular circumstances of this appeal and proposal, irrespective of my decision, the appellant has already obtained planning approval for an identical scheme.

Conditions

22. As part of the SoCG, the main parties have agreed a list of conditions, in considering these I have had regard to the Framework and the Planning Practice Guidance. I have proposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans and documents as this provides certainty.
23. I have specified conditions requiring details of finished floor levels, boundary treatments, a landscaping scheme, and the future maintenance of this. These, along with the provision of tree protection measures are necessary in the interests of protecting the character and appearance of the area.
24. A condition requiring the timely construction of estate roads, private shared drives, private road, footway along Bretforton Road, footpath link, individual plot accesses and parking provision are necessary to ensure accessibility and safety of highway users. A condition to minimise the disruption caused by construction activity on the highway by requiring a Construction Management Plan is necessary in the interests of highway safety.
25. I have imposed conditions requiring that the development is carried out in accordance with a Construction and Landscape Management Plan and Landscape and Environmental Management Plan, along with conditions which control the extent of external lighting and require the provision of bat and bird boxes, insect hotels and hibernacula. These are all necessary to protect and enhance biodiversity and wildlife.
26. A condition relating to foul drainage details is necessary to avoid local pollution. In addition, conditions requiring specific details in regard to the suitability of the site for surface water drainage and sustainable urban drainage systems (SuDS) and the management of these are necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
27. It is reasonable to impose a condition to secure a proportion of energy sources from renewable and/or low carbon measures, electric vehicle charging points and water efficiency measures to be provided within the development to promote sustainable forms of development.
28. To ensure the proposal incorporates satisfactory telecommunication facilities in line with Policy SWDP 26 of the SWDP, I have specified a condition requiring the provision of superfast broadband facilities or alternative solutions to serve the approved dwellings.
29. Conditions requiring cycle storage facilities and the provision of Travel Welcome Packs are necessary to promote sustainable methods of travel.
30. A condition to deal with on-site contamination and a condition requiring details of imported soils to the site are required in the interests of safeguarding occupiers of the development from pollution.

31. Condition 8 is required to safeguard any archaeological interests of the site. Condition 16 requiring obscure glazing is necessary to protect the privacy of neighbours.
32. Based on the evidence provided by the main parties, I agree that draft Condition 13 which refers to the provision of a turning and parking area at 66 Bretforton Road, is neither required nor enforceable.
33. Details of drainage arrangements for the footway link to Bretforton Road would be dealt with through the design of this under highways legislation. Therefore, a specific condition to ensure that surface water from this does not discharge onto the public highway is not required.
34. Conditions 3-9 (inclusive) which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

35. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans, drawings and documents:
 - Site Location Plan -1317-01 - Rev B;
 - Private House -Type A+ (Plot 19) - 1317-08 - Rev G
 - Private House -Type B (Plot 18) -
 - Private House -Type C (Plots 14, 15, 16)
 - 1317-09 - Rev H - 1317-10 - Rev H -
 - 1317-11 - Rev F - Affordable Houses - Types F, G, H (Plots 6, 7, 8)
 - 1317-12 - Rev D - Affordable Houses - Types I, J (Plots 9, 10, 11, 12)
 - 1317-13 - Rev E - Affordable Bungalow - Type K (Plot 21) 1317-22 - Rev G -
 - Private House - Type D (Plots 1, 2)
 - 1317-23 - Rev H - Private Bungalow - Type E (3, 4, 5) 1317-24 - Rev D -
 - Double Garage - Floor Plans & Elevations
 - 1317-25 - Rev F - 2 Car Garage - Floor Plans & Elevations
 - 1317-26 - Rev E - Single Garage - Floor Plans & Elevations
 - 1317-27 - Rev A - 1.8m High Timber Close Boarded Fence
 - 1317-29 - Rev O - Planning Layout
 - 1317-30 - Rev H - Material Finishes Layout
 - 1317-31 - Rev H - Boundary Treatment Layout
 - 1317-33 - Rev E - Site Sections
 - 1317-34 - Rev A - 450mm High Timber Knee Rail
 - 1317-35 - Rev A - 1.8m High Timber Panel Fence
 - 1317-36 - Rev B - Plots 1 & 2 Flexible Housing Options - First Floor Plans
 - 1317-38 - Rev A - 1.2m High Post & 3 Rail Fence
 - 1317-39 - Rev E - Illustrative Drainage Layout
 - 1317-40 - Buildings to be Demolished
 - 1317-41 - Rev C - Proposed Highways to be S38 Adopted
 - 1317-42 - Rev C - Development Area Plan
 - 1317-44 - Private House -Type B (Plot 17)
 - 1317-45 - Private House -Type C (Plot 13)
 - 1317-46 - Private House - Type L (Plot 20)
 - 1317-47 - 0.9m High Clipped Hedgerow
 - 1317-48 - Colour Street Scenes
 - 1317-56 - 1.8m High Green Wall
 - 1317-56 - Plot 3 and 4 Parking Tracking Plan
 - 1001 Phase 2, Bretforton Road, Badsey - TS - Issue 1 - Full Rev A
 - 1317 - Statement - Affordable Housing Scheme - Rev B 1317-RSB-DAS -
 - Rev A - Design and Access Statement
 - Planning Supporting Statement March 22
 - 7874 EcoApp RevA Final.19.8.21 Rev A

Arboricultural Report - Land at Bretforton Road, Badsey Rev A KRT_KDB-FRA 1 Rev A -
Flood Risk Assessment v02_AH1377_BretfortonRd_HIA Water Management and Drainage Strategy_Rev B KD.BDSY.ER.001 - Badsey PEA
App 2 - Landscaping Plan - Drawing No. KD.BDSY.D.006_sml
App 3 - Email - Eileen Marshall
App 4 - Photographic Sheets
App 5 - BNG Assessment_sml LVIA - Bretforton Road (Phase 2) - February 2022 LVIA - Appendix A - Drawings LR LVIA - Appendix B - Methodology LVIA - Appendix C - Photosheets LR LVIA - Appendix D - Supp Landscape and Visual Info
KRT_KDB-FRA 1 Rev A- Flood Risk Assessment (INC APP)
Badsey - Sustainability Report
Great Crested Newt Environmental DNA Report - V1 (May 2022)
Bat Roost Survey Report - V1 (May 2022).

3. The development hereby permitted shall not commence until a Construction Management Plan ('CMP') has been submitted to and approved in writing by the local planning authority. The CMP shall provide for:
 - a) The parking of vehicles of site operatives and visitors within the development site;
 - b) Loading and unloading of plant and materials within the development site;
 - c) Storage of plant and materials within the development site.
 - d) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - e) Measures to control the emission of dust and dirt during construction;
 - f) Details of responsible persons and lines of communication. g) Details of the routing of HGVs and delivery lorries associated with the proposed development to and from the site together with any agreed traffic management measures. Thereafter, the construction of the development shall be undertaken in accordance with the approved CMP.
4. The development hereby permitted shall not commence until a topographical survey of the development site together with proposed land levels and finished floor levels for each dwelling, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved levels details.
5. Notwithstanding the submitted Drainage Strategy, the development hereby permitted shall not commence until a full drainage scheme and sustainable drainage system (SuDS) proposal has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include the results of an assessment into the potential of disposing of surface water by means of SuDS and shall provide an appropriate level of runoff treatment. The approved drainage scheme shall be completed before the approved development is first occupied.
6. The development hereby permitted shall not commence until a drainage scheme for the disposal of foul water has been submitted to and approved by the local planning authority.
7. The development hereby permitted shall not commence (including any ground works, demolition or site clearance) until a Construction

Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date survey information and shall include the following:

- a. Risk assessment of potentially damaging construction activities;
 - b. Identification of "biodiversity protection zones";
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d. The location and timing of sensitive works to avoid harm to biodiversity features;
 - e. The times during construction when specialist ecologists need to be present;
 - f. Details of responsible persons and lines of communication;
 - g. The role and responsibilities on site of an ecological clerk of works or similarly competent person;
 - h. Use of protective fences, exclusion barriers and warning signs.
- Thereafter, the construction of the development shall be undertaken in accordance with the approved CEMP.

8. Part A) The development hereby permitted shall not commence, until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: 1) The programme and methodology of site investigation and recording. 2) The programme for post investigation assessment. 3) Provision to be made for analysis of the site investigation and recording. 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation. 5) Provision to be made for archive deposition of the analysis and records of the site investigation. 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Part B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. Development other than that required to be carried out as part of an approved scheme of remediation shall not commence until Parts 1 to 6 have been complied with:

Part 1 - A preliminary risk assessment shall be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. A preliminary risk assessment report including:- a diagrammatical representation (conceptual model) based on the information above; and - all potential contaminants, sources and receptors to determine whether a site investigation is required shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on the development hereby approved.

Part 2 - Where an unacceptable risk is identified and prior to the commencement of construction work on the development hereby permitted a scheme for detailed site investigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to assess the nature and extent of any contamination and shall be led by the findings of the preliminary risk assessment.

Part 3 - Where part 2 applies, a detailed site investigation and risk assessment shall be undertaken in accordance with the approved scheme required under Part 2 and a written report of the findings produced, submitted to and approved in writing by the local planning authority. The investigation/assessment shall be approved prior to the commencement of construction works on the development hereby approved.

Part 4 - Where identified as necessary in the report approved under Part 3, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be produced, submitted to and approved in writing by the local planning authority. The scheme shall include an implementation programme. The scheme shall be approved prior to the commencement of construction works on the development hereby approved.

Part 5 - The remediation scheme approved under Part 4 shall be carried out in accordance with the approved implementation programme.

Part 6 - Following the completion of the measures identified in the remediation scheme approved under Part 4, a validation report that demonstrates the effectiveness of the remediation carried out shall be produced, submitted to and approved in writing by the Local Planning Authority. None of the development hereby approved shall be occupied/first used until the validation report has been approved.

Part 7 - In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the report approved under Part 3, construction works shall cease and this shall be reported immediately in writing to the Local Planning Authority. In such circumstances an investigation and risk assessment must be undertaken and a revised remediation scheme must be produced, submitted to and approved in writing by the Local Planning Authority. Development works shall not resume until the revised remediation scheme has been approved in writing. The measures as set out in the revised remediation scheme shall be carried out. Following the completion of any measures identified in the approved revised remediation scheme a validation report must be produced, submitted to and approved in writing by the Local Planning Authority. None of the development hereby approved shall be occupied until the validation report has been approved.

10. Notwithstanding the submitted Soft landscape Plan – KD. BDSY.D006 Rev F and prior to the first occupation of the development hereby permitted a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

The landscaping scheme shall include: (i) a plan(s) showing details of all

existing trees and hedges on the development site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread. (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas. (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants. (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment. (v) a schedule of landscape implementation and maintenance. The schedule shall include details and a timescale for its implementation, long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens).

Thereafter, the landscaping shall be implemented and maintained in accordance with the approved details and timescale. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

11. Prior to the first occupation of any dwelling hereby permitted, details of secure parking facilities for cycles at each dwelling shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved cycling facilities shall be retained for the parking of cycles only.
12. Prior to the first occupation of any of the dwellings hereby approved, details of superfast broadband facilities or alternative solutions to serve the proposed dwellings shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. Thereafter, the approved facilities shall be provided in accordance with the approved details and implementation programme.
13. Prior to the first occupation of any dwelling hereby permitted, the positions, design, materials and type of boundary treatment to be erected along with a timescale for implementation shall be submitted to and approved in writing by the local planning authority. The submitted details shall include details of 'hedgehog highway' gaps within boundary fencing. Thereafter, the approved boundary treatments shall be completed in accordance with the approved details and timescale.
14. Prior to the first occupation of the development hereby permitted, a scheme for bat and bird boxes, insect hotels and hibernacula shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme shall be implemented prior to the first occupation of the development hereby approved and retained thereafter.
15. Prior to its first occupation, each dwelling hereby permitted shall be fitted with an electric vehicle charging point, the specification of which shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be retained for the lifetime of the development.

16. Prior to the first occupation of the dwelling on plot 12 hereby permitted, the first floor WC window shall be fitted with Pilkington Level 4 obscured glazing or equivalent and shall be permanently retained in that condition thereafter.
17. The development hereby approved shall not be occupied until the details of a residents Travel Welcome Pack promoting sustainable forms of access to the development site has been submitted to and approved in writing by the local planning authority. The approved Travel Welcome Pack shall be provided for the occupiers of each dwelling at the point of first occupation.
18. Before the commencement of above ground works of the development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:- the overall predicted energy requirements of the approved development; - the predicted energy generation from the proposed renewable/low carbon energy measures; and an implementation timetable for the proposed measures. Thereafter, the development shall be carried out in accordance with the approved details and timescale.
19. No works in connection with site drainage shall commence until infiltration tests have been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the local planning authority. The results of the tests shall be submitted to and agreed in writing by the local planning authority and the agreed recommendations shall be implemented in full prior to the first use of the development hereby approved.
20. No works in connection with site drainage shall commence until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the local planning authority. The SuDS management plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan.
21. The approved water efficiency measures as set out in the 'Sustainability Statement to Support Planning Application' (Rev A – 25th April 2022) Compiled by: Robert Atherton Our Ref: 21172, which confirms that the daily non-recycled water use per person will not exceed 110 litres per day, shall be implemented before the first occupation of the development and retained for the life of the development.
22. Prior to the occupation of the development hereby approved, a Landscape and Ecological Management Plan ('LEMP') shall be submitted to and be approved in writing by the local planning authority. The LEMP shall include the following:
 - a. Description and evaluation of the features to be managed;
 - b. Ecological trends and constraints on site that might influence

management.

- c. Aims and objectives of management;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and longer term thereafter;
- g. Details of the body or organisation responsible for implementation of the plan;
- h. Ongoing monitoring and remedial measures.

The LEMP shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented in accordance with the approved details and timescale.

- 23. Prior to being brought on to the development site, details of any soil or soil forming materials in connection with the development hereby approved shall be submitted to and approved in writing by the local planning authority. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) shall be included in the details submitted for approval to the local planning authority. Where the donor site is unknown or is brownfield, the material must be tested for contamination and approved as suitable for use on site by the local planning authority in writing.
- 24. The dwellings hereby permitted shall not be occupied until the estate roads, private shared drives, private road, footway along Bretforton Road, footpath link, individual plot accesses and parking have been provided as shown on drawing number 1317-29 Revision O.
- 25. Protective fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before any development commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts. Any alternative fencing type or position not in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development. The protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing shall be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.
- 26. Before the development hereby permitted is first occupied, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, only external lighting in accordance with approved details shall be provided on the development site.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external lighting shall be provided on the development site other than that for which details have been submitted to and agreed in writing by the local planning authority.