



Appeal Decision

Inquiry Held on 17 to 20 October 2017

Site visit made on 17 October 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 20 December 2017

Appeal Ref: APP/V2635/W/16/3166074

Land north of St Nicholas Close, Gayton, Norfolk

- 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 Mr Nick Fairman of New Hall Properties (Eastern) Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00647/OM, dated 31 March 2016, was refused by notice dated 15 September 2016.
 - The development proposed is described as '*outline application for up to 50 dwellings. All matters reserved except access*'.
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Decision

1. The appeal is allowed and planning permission is granted for outline application for up to 50 dwellings, all matters reserved except access at Land north of St Nicholas Close, Gayton, Norfolk in accordance with the terms of the application, Ref 16/00647/OM, dated 31 March 2016, subject to the conditions set out in Appendix A.

Procedural Matter

2. Prior to the Inquiry, the appellant submitted drawings which amended the site area, this principally moved the red line parallel with the development at Gayton Farm to the south further into the site. This matter was considered by the main parties at the Inquiry. Although this changes the site area, it does so by reducing it. Applying the '*Wheatcroft*' principles¹, I am content that the amended plan has not deprived interested parties from being able to make observations on the scheme.

Main Issues

3. The main issues are:
 - i) Whether the Council is able to demonstrate a five year supply of deliverable housing sites, and;
 - ii) What effect, if any, there would be on the setting of the Grade I listed building and the character and appearance of the area more generally, and;

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- iii) Whether the proposed development would make adequate provision in respect of local infrastructure, including matters such as affordable housing.

Reasons

Five year supply

4. Put simply, there are two elements to calculating the housing formula; need and supply. In terms of need, the main parties agree that the Council does not have an up to date 'housing requirement' figure in the adopted development plan. Both agree that the Full Objectively Assessed Need (FOAN) total in this case is 3,530 dwellings; amounting to 670 dwellings per annum (dpa). A backlog of 782 dwellings then needs to be added to this. Lastly, the parties agree that a 20% buffer should be applied owing to a persistent under-delivery within the local authority area. This results in an overall need of 4,958 dwellings over the five year period. I see no reason to disagree that these figures should be used for the purposes of this appeal.
5. The main area of contention between the main parties is the supply side of the equation, which needs to equal at least five years so as to not engage paragraph 49 of the *National Planning Policy Framework* (the Framework). The appellant considers that the Council's supply is flawed in a number of respects. Principal amongst these are that the Council should apply a 10% lapse rate to sites allocated within the Site Allocations Development Management Plan 2016 (SADMP), that the Council has been over-optimistic in the delivery of 18 sites²; either with extant planning permission or allocated within the SADMP, and the amount of windfall allowance.
6. The Council considers that it has a supply of deliverable sites amounting to 5,855 dwellings and against need this would result in roughly 5.9 years of supply. The appellant considers that the supply would amount to no more than 4,522 dwellings and therefore represent no more than approximately 4.5 years of supply³.
7. With regard to the use of a 10% lapse rate, this has historically been applied to sites with extant planning permission in recognition that not all sites that obtain planning permission will come forward. This approach has been considered in a previous appeal within the Borough (ref 2221650, Heacham). Whilst prescribing a flat 10% lapse rate is a rather blunt instrument, it is nonetheless a pragmatic way in which housing supply figures can take account of the realities of unplanned housing supply. There are many factors contributing to supply and how reliable it is that it will or will not come forward. I therefore agree with the main parties here, in that a 10% lapse rate should be applied to sites with extant planning permission.
8. However, I am not convinced that a 10% lapse rate should be applied to sites which have been allocated through the SADMP as well. The reasons for this include the fact that the SADMP is a recently adopted part of the development plan for the Borough (in the last 18 months or so). It was considered via a rigorous examination process under an independently appointed Planning Inspector and is based upon a sound, robust and recent evidence base. In order to allocate sites there will have been a call for sites, a detailed

² APP 3

³ Figures provided in APP2

- assessment of land within the Borough (through a SHLAA for example), and a thorough consideration of why some sites went forward and others did not, including the use of an objective Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA).
9. This has all taken place within the context of a plan-led system. It should be noted that the appeal site, albeit in various guises, was considered at that time, but was not allocated due mainly to the perceived impact on the designated heritage asset. I consider this aspect later.
 10. Nonetheless, it would be very strange to identify that a site could deliver 'x' number of units and allocate it for such, and then apply a blanket 10% reduction on this. I acknowledge that it may not be possible for the totality of the allocations to come forward; they are subject to market forces comprising house builders, finance and purchasers for example, which the Council do not control. However, the difference with an allocated site is that this significantly increases the possibility it will obtain planning permission, and correspondingly that it will come forward. In such circumstances, I do not consider that the application of 10% lapse rate to allocated sites would be a reasonable approach in this case.
 11. In terms of the 18 sites identified within APP3, this was tested by means of a round-table discussion. Through this process there were some changes in the phasing of delivery and whether or not specific sites would come forward. However, as found above, the Council already factors in a 10% lapse rate for sites with extant permission and it is reasonable to assume that an allocated site is more likely to come forward in a plan-led system. What is more, it is clear within the Framework that the assessment of housing land supply is concerned with 'deliverability'. This is an assessment of the likelihood that housing will be delivered in the five year period on that site.
 12. Such an assessment of housing land supply does not necessarily require exact certainty that the housing sites will actually be developed within that period. It would be hard for the planning process to deal in such certainties given that the Council is but one key player in the delivery of housing. The problem of uncertainty is managed by assessing 'deliverability' over a five year period, re-assessed as the five year period rolls forward and through the application in this Borough of a lapse rate⁴. Bearing in mind the central role local planning authorities have to play between communities, developers, house builders and other stakeholders and that this process has recently culminated in the adoption of a SADMP, I consider that the housing trajectory suggested by the Council is a fair one to use for the purposes of this appeal.
 13. The last main area of dispute on housing land supply is the windfall allowance. Put simply, the Council has a projected windfall allowance of 2,886 set out within the adopted SADMP. The appellant considers that the inclusion of 262 dwellings from large sites (that is 10+ dwellings) should instead be 106, as the Council has recently adopted the SADMP and therefore most potential windfall sites are likely to have been discounted at that stage or included as an allocated site. This is not dissimilar to the approach adopted by the Inspector

⁴ This is recognised in the judgement of *St Modwen Developments Limited v SoS CLG, East Riding of Yorkshire Council and Save Our Ferrisby Action Group* [2017] EWCA Civ 1643 dated 20 October 2017, and in particular paragraph 23 (inset paragraphs 51 and 52)

in a Clenchwarton appeal decision⁵ from January 2015. However, the difference here between the positions of the main parties is about 150 dwellings or so. Such a figure would not significantly alter the overall identified supply when one factors in my above considerations.

14. Indeed, on the basis of the agreed OAN figure, not applying a 10% lapse rate to SADMP allocations and in finding the Council's housing trajectory in APP3 to be generally appropriate, I find that the Council is able to demonstrate a five year supply of deliverable housing sites. As such, the 'tilted balance' set out in Paragraph 14, as enacted by Paragraph 49 of the Framework, would not be engaged in relation to housing land supply.

Listed building and character/appearance

15. St Nicholas Church is a Grade I listed building located within its own grounds and surrounded by an area of grassed graveyard on most sides. The significance of the church primarily derives from its architectural interest and its direct social and historical links to Gayton. The setting of the church; that is the context in which it is experienced, also makes some contribution to the significance of the church. Although from my site visit I saw that this is principally derived from the views of the church from the open grassed land to the south and north of the church, with wider views of the church tower possible from further afield. It is also possible to see glimpses of the church through hedges and trees that line parts of its western boundary.
16. The appeal site consists of an open agricultural field, which is currently overgrown, but various historic photos show that it was previously ploughed. Both the Council and Historic England consider that the fact that the appeal site is or was most recently in agricultural use provides a direct associative link to the church and understanding the link between it and the rural community it served. However, there is little evidence before me that the agricultural field is anything more than that. For example, there is little evidence that provides a direct link between the church and the agricultural land in question beyond its physical proximity. What is more, whilst the original setting of the church since it was first built has altered through the growth of Gayton over the centuries, it is possible to see the church within an open setting from the north and south. These visual aspects would remain mainly unchanged by the proposal.
17. I recognise there may be some link through historic tithes and other rural practices. However, this link is no more than a common one and could be said to exist for a number of churches within rural Norfolk given its agricultural past from the Middle Ages to the present day. In this particular case, the direct links between the appeal site and the church are no more than generic. It would still be possible for visitors to the church to see it within the context of open pastoral type land to the north and south; with the southern area linking the church directly to the historic manorial hall. In such circumstances, I consider that the importance of the appeal site to the significance of the listed building has been overstated.
18. I am supported in this view by the fact that in 'informal meeting notes' the Council's Conservation Officer indicated that the provision of a buffer might

⁵ Appeal Ref: 2219315 see paragraph 11 of the decision, where the Inspector in that case discounted windfall on the basis of the then emerging SADMP and there only being a 'possibility' of windfall coming forward rather than 'compelling evidence'

help mitigate the impact resulting from the loss of the agricultural field. This appears to be the key factor in this case; that the church should still be seen within a rural village context, and I consider that the provision of the 'landscape buffer zone' on the eastern edge of the appeal site would assist in achieving this. I find that in being able to mitigate the impact of the proposal in respect of the setting of the listed building, the proposal would at the very worst result in a neutral impact on the significance of the listed building.

19. The main parties and Historic England consider that the proposal would result in 'less than substantial harm' to the significance of the Grade I listed St Nicholas Church through development occurring within its setting. The appellant's witness (Dr Hoggett) agreed under cross-examination that this harm could be mitigated. I have carefully considered the cases put forward by all parties on this matter, and I have found that the mitigation proposed would result in scheme whereby no harm would result. As a result, Paragraph 134 of the Framework is not engaged, and subsequently the need to weigh public benefits against any such harm is not necessary in this instance.
20. In terms of the settlement more generally, the Council's witness confirmed under cross-examination⁶ that in many respects this concern was integral to the concerns of the impact on the setting of the listed building. I saw that Gayton has a large area of agricultural land between Lynn Road (the B1145) and Back Street. However, as assessed above, even with the change in the use of the appeal site, there would remain agricultural fields within and nearby to the church. Indeed, in terms of visual aspects, the appeal site is principally seen through the axis of existing development to the north and south.
21. As a result of this, and the overall impact of the scheme which can be mitigated, I do not find that the proposed development directly adjacent to and between areas of built form would be detrimental to the settlement as a whole in terms of its character or appearance. I am reinforced in this view by the fact that the Council's own assessment of the appeal site under a sustainability appraisal indicated that the site is '*centrally located and is integrated with the settlement*', with good links to services, and '*potential negative impacts on the setting of the listed structure could be mitigated through appropriate and sympathetic design and layout*'.⁷ Indeed, subject to addressing the impact on the significance of St Nicholas' Church, the appeal site scored the highest 'sustainability factor' in the Council's own assessment. I have found that the impact on the setting and significance of the Grade I listed building can be mitigated.
22. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, indicates that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving its setting. I have given this desirability considerable importance and weight, but have found that there would not be any harm arising in this case to the setting of the listed building.

⁶ Cross-examination of Mrs Morris

⁷ Appendix HM5, Borough Council of King's Lynn & West Norfolk, *Sustainability Appraisal Report Incorporating Strategic Environmental Assessment for the Sites Allocation and Development Policies Pre-submission Document*, page 165, table and site 557 (GAY1)

23. I therefore conclude that whilst there would be some impact on the setting of the Grade I listed St Nicholas Church, this can be more than adequately mitigated. What is more, the proposal would not result in any harm to the character or appearance of the area more generally. Accordingly, the proposal would not conflict with Policies CS6, CS8 and CS12 of the Core Strategy and Policy DM15 of the SADMP, which amongst other aims seek to ensure that proposals protect and enhance the historic environment.
24. The proposal would remain in technical conflict with Policy DM2, as the appeal site does not lie within the settlement boundary and is therefore countryside for planning policy purposes. It is also not included within the suggested criteria of suitable development in rural areas. However, this is not a closed list, for example the policy permits affordable housing as an exception.
25. Whilst the scheme only provides for a percentage of affordable housing, as considered in the next section, it would only be the 'market dwelling' portion of the proposed dwellings that would conflict with Policy DM2. It should also be recognised that I have found that the proposal would not result in any harm to character or appearance. I consider the conflict with Policy DM2 in my overall conclusion.

Local infrastructure

26. The appellant has submitted a unilateral undertaking, dated 27 October 2017, under Section 106 of the TCPA. This makes provision for open space, Sustainable Urban Drainage Systems (SUDs), habitat monitoring and mitigation strategy, and that 20% of the proposed dwellings would be affordable housing.
27. The Council did not indicate that any of these provisions would exceed the pooling of contributions restrictions and I see no reason to disagree. What is more, the level of affordable housing would be in accordance with Policy CS09 of the CS.
28. I therefore find that the obligations in this case are necessary, directly related, and fairly and reasonably related to the development. Therefore, they meet all the tests within the CIL Regulations 122 and 123, and should be taken into account in the decision. What is more, the provision of affordable housing in accordance with local policy is a public benefit which weighs significantly in favour of the grant of permission.

Other Matters

29. A number of matters have been raised by interested parties, and I now consider these before coming to an overall conclusion. In terms of concerns relating to traffic no objections have been raised by the local highways authority. There is no technical evidence before me which suggests that I should take a different stance, subject to the imposition of conditions.
30. With regard to flooding, no objections were raised by bodies such as Anglian Water, the Environment Agency or the local drainage boards, subject to the use of appropriate conditions. In this case, not only can conditions be used, but the obligation submitted by the appellant makes provision for SUDs. This indicates that the appellant is not only aware of such issues, but has sought to address this. On the basis of the evidence before me I do not consider that the proposal would result in unacceptable localised flooding.

31. In terms of the potential loss of privacy for neighbouring occupiers, the scheme is submitted in outline with details such as layout reserved for future consideration. At such a stage the Council would be able to make a detailed assessment of any impact and how this could be mitigated. Nevertheless, there appears to be scope within the site to lay it out in a manner that would minimise any impact on living conditions.
32. With regard to the potential impact on ecology, the combination of the landscaping scheme, the setting aside of the landscape buffer zone, and the survey and requirement to provide enhancements for Bat species, will ensure that the proposal would result in a net gain for biodiversity.
33. Taking into account the concerns raised by interested parties I find that, whether considered individually or cumulatively, these do not amount to justification for the dismissal of the appeal.

Conditions

34. I have had regard to Paragraph 204 of the Framework and the national Planning Practice Guidance in respect of the use of planning conditions and those suggested by the main parties.
35. Conditions relating to the submitted drawings, time limits for implementation and submission of reserved matters are necessary to provide certainty. Conditions requiring the submission of details for proposed roads and footways, and the use of vision splays are necessary in the interests of highway safety. For similar reasons, and to protect the living conditions of nearby occupiers, the submission of a Construction Management Statement is reasonable and necessary.
36. A condition requiring the provision and retention of the landscape buffer zone, including a management plan, is necessary in order to mitigate the impact of the development on the significance of the Grade I listed St Nicholas church.
37. The submission of tree protection details is necessary in order to protect existing nearby trees. A condition requiring a bat survey is necessary in order to ensure that the habitat of any existing population can be enhanced, and provision made for their long term survival. Conditions relating to potential contaminated land surveys and Sustainable Urban Drainage Systems (SUDS) are necessary in order to minimise any impact on human health and to reduce the risk of flooding.
38. A condition relating to an archaeological written scheme of investigation is necessary given the proximity of the site to the older part of the settlement and the possibility of remains of interest being present on the appeal site.
39. Lastly, a condition requiring the provision of fire hydrants has been suggested by the local fire authority. Given the scale of the development proposed such a condition is not unreasonable in this case in the interest of public safety.

Overall conclusion

40. I have found that the proposal would not result in harm to either the listed building or the character and appearance of the area more generally. At the same time, I have found that the Council is able to demonstrate a five year supply of deliverable housing sites when considered against its agreed OAN.

41. The proposal would be located outside of the adopted development boundary and therefore conflict with Policy DM2 of the SADMP. Section 38(6) of the Planning and Compulsory Act 2004, as amended requires that in the determination of proposals, this must be made in accordance with the development plan, unless material considerations indicate otherwise.
42. In this case, there would be a technical breach of Policy DM2 of the SADMP. However, I have not found any harm that would arise from the proposal. The adopted development plan provides for the delivery of windfall dwellings, and I find that the proposal in this case would fall into such a category. Accordingly, when the development plan is read as a whole, the proposal would not result in conflict with the development plan and, with no material considerations indicating otherwise, permission should be granted.
43. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader of Counsel

Instructed by S Ashworth Associate
Director, BCKLWN

He called:

Peter Jermany, BA(Hons), BTP, MRTPI
Helen Morris, BSc(Hons), DipTP, MRTPI

Principal Planner (Policy)
Principal Planner (Planning Control)

FOR THE APPELLANT:

Miss C Patry of Counsel

Instructed by Mr D Fairman of New
Hall Properties Ltd

She called:

Dr Richard Hoggett, MA, FSA, MCiFA
Nicholas Fairman, BSc(Hons), MRICS,
FCIH

Heritage Consultant
Director, New Hall Properties

INTERESTED PERSONS:

Peter Gidney

Local Resident

Other local residents were unable to attend the Inquiry. However, they were given the opportunity to make any written comments. These are listed below.

DOCUMENTS SUBMITTED AT THE INQUIRY

Ref	Title/Identifier
LPA1	Site walkover statement 9 February 2016 (inc photos) of Nicholas Fairman
LPA2	List of draft conditions
LPA3	Judgement of <i>Barwood Strategic Land II LLP v East Staffordshire Borough Council, Secretary of State for CLG [2017] EWCA Civ 893</i> , dated 30 June 2017
LPA4	Judgement <i>East Staffordshire Borough Council v Secretary of State for CLG and another [2016] EWHC 2973 (Admin)</i> , dated 28 October and 22 November 2016
LPA5	Email from Alistair Beale, Manager Gayton Estate, to Helen Morris Principal Planner BCKLWN
LPA6	Draft suggested condition in relation to landscape 'buffer zone'
APP1	Opening Submissions on behalf of New Hall Properties (Eastern) Ltd by Carine Patry of Landmark Chambers
APP2	Housing Supply Source figures for both main parties
APP3	Table of 18 disputed supply sites
APP4	Email between Pam Lynn and David Parkin, both of BCKLWN, dated September 2016
APP5	Email between Nick Fairman of new Hall Properties, and Anthony brand of HCA, dated October 2017

- APP6 Suggested condition relating to landscape buffer
 - APP7 Email from Caldecotte Group dated October 2017
 - APP8 Copy of letter from Norfolk County Council dated 11 April 2017 in relation to flood risk
 - APP9 2016/17 Housing Trajectory – windfall allowance calculation, New Hall version 9.10.17
 - APP10 Drawing 018.SK.03 Rev No P1 entitled Landscape ‘buffer zone’ plan
 - APP11 Copy of letter from Norfolk County Council dated 25 July 2008 relating to agricultural vehicle access
 - APP12 Email and drawings dated circa 27 September 2017 relating to amendment of red line
 - APP13 Copy of Option Agreement relating to Ashburton, Lynn Road, Gayton
 - APP14 Plan indicated 5 sites detailed in APP3 for unaccompanied site visit
 - APP15 Double sided document with ‘All planning applications in Kings Lynn since Sept 2016’ and the reverse a copy of New Hall Properties response to Rebuttal Proof by Peter Jermany (undated) – Page 5
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- IP1 Email from John Hayes, local resident
 - IP2 Email from Charles Muff, local resident
 - IP3 Email from Richard Martin, local resident
 - IP4 Email from Dr Susanne Jarratt, local resident
 - IP5 Email from Sarah Renwick, local resident

Appendix A – List of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called '*the reserved matters*') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 018.SK.02 Rev P3, Indicative Site Layout 018.SK.01 Rev P4, and Lynn Road Junction Option H641-FIGURE3 Rev D and Landscape 'buffer zone' 018.SK.03 Rev No P1.
- 5) No building hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), or other such suitable method of water disposal, and the results of the assessment shall have been 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.
- 6) In the event that any land contamination is found at any time during construction works which was not previously identified, it must be reported immediately in writing to the local planning authority. Thereafter, an assessment of the risks posed by any contamination shall be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with *British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11)* (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) a timetable for implementation if any risks are found;
 - iii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of *British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations* (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of retained trees shall be carried out as approved.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 8) All the trees and hedges 'to be retained' in accordance with Condition 7 of this permission and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto 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. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 9) No development shall take place on the appeal site until an Archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
- i) the programme and methodology of any site investigation and recording, including a timetable;
 - ii) the programme for any post investigation assessment;
 - iii) the provision to be made for any analysis of the site investigation and recording;
 - iv) the provision to be made for any publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for any archive deposition of the analysis and records of the site investigation;

- vi) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 10) Notwithstanding condition 9, the developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
 - 11) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 9.
 - 12) Prior to the commencement of the development hereby permitted, including any site clearance works, a survey to identify the extent of any Bat populations on, adjacent to, or nearby the appeal site, (including within the building and roof space of the building called Ashburton) shall be undertaken in accordance with a written survey proposal following ecological good practice, which has been submitted to and approved in writing by the local planning authority. The results of the survey shall be submitted to and agreed in writing by the local planning authority prior to any works taking place on the appeal site. The survey results will detail any required mitigation and/or enhancement measures necessitated by the proposal, the timetable for their implementation, and that any such measures would be installed as approved. The agreed timetable shall be adhered to.
 - 13) 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 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 location of any temporary buildings;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust, dirt noise and vibrations during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
 - 14) No development shall take place until details of the standards to which the roads and pavements serving the development are to be constructed shall have been submitted to and approved in writing by the local planning authority. No house shall be occupied until the roads and pavements serving that dwelling have been constructed in accordance with the approved details. Such details shall include information on the

arrangements for the future management and maintenance of the proposed roads and pavements.

- 15) Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4metres by 56 metres (west) and 2.4 metres by 51 metres (east) shall be provided to each side of the access onto the B1145 where it meets the highway and such splays shall be retained and kept free from any obstructions exceeding 0.225 metres above the level of the adjacent highway carriage.
- 16) No part of the development shall be occupied until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme shall be implemented according to the agreed timetable and details.
- 17) No development shall take place until a landscape management plan incorporating the landscape buffer zone shown on drawing Landscape 'buffer zone' 018.SK.03 Rev No P1 has been submitted to and approved in writing by the local planning authority. The landscape management plan, including the landscape buffer zone, shall include a timetable for implementation and be implemented in accordance with the approved details. The landscape buffer zone area shall be retained as approved and shall remain free of any built form or structures, whether permitted by the General Permitted Development Order 2015 (as amended, revoked, or replaced), or not.