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## Appeal Decision

Site visit made on 21 July 2020

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

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### **Appeal Ref: APP/V3310/W/20/3252453**

### **Land north of Walrow, Highbridge, Somerset TA9 4AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Thorner, Flower & Hayes Ltd against Sedgemoor District Council.
  - The application Ref 11/19/00128, is dated 4 December 2019.
  - The development proposed is the erection of 46 dwellings, with garages, formation of accesses and ancillary works.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of 46 dwellings, with garages, formation of accesses and ancillary works at Land north of Walrow, Highbridge, Somerset TA9 4AB in accordance with the terms of the application, Ref 11/19/00128, dated 4 December 2019, subject to the conditions in the attached schedule.

### **Background**

2. A previous application for development of the site was refused and an appeal, Ref. APP/V3310/W/19/3229178, was dismissed. The main issues in that appeal were identified as the effect on the living conditions of future occupants of the development, the living conditions of the occupants of The Firs, the character and appearance of the area, and the local provision of affordable housing.
3. The Inspector found that no harm would arise to the living conditions of the occupants of The Firs. Given the similarities between this proposal and the previous, I have no reason to depart from that finding. The relative proximity of other nearby dwellings means that those same conclusions would similarly apply.
4. However, the Inspector found that harm would arise to the occupants of proposed Unit 13 due to the relationship of the accommodation with surrounding ground levels, and the character and appearance of the area due to roofing material choices and a lack of window detailing. Revisions to the proposal have addressed these matters and led the Council to conclude that harm would not arise in respect of the current scheme.
5. It may well be that the differences between the previous and current schemes would be largely cosmetic. Effects would remain on the setting of the more historic Walrow Terrace and other adjoining properties. These dwellings

currently have a setting with an open character, visually connected to green space that is evidently valued by its residents.

6. However, the site is within the identified settlement boundary within the Sedgemoor Local Plan 2011-2032 (LP), indicating that residential development would be acceptable in principle. In this context, although the dwellings would not have the same appearance or form as Walrow Terrace or other historic cottages in the area, like the Council, I find that the current proposal would be compatible with its surroundings, which includes other residential development, and is generally urban in character.

### **Main issues**

7. With regard to the above, and following consideration of all the matters raised in the representations received, I find the main issues in this appeal to be the effect of the development on flood risk; and the effect on highway safety.

### **Reasons**

#### *Flood Risk*

8. The site is in Flood Zone 3, the highest risk zone. Evidence from neighbouring residents indicates that it is often waterlogged and there can be standing water around Walrow Terrace after rain. The National Planning Policy Framework (the Framework) sets out that development should be directed away from areas at highest risk of flooding. A sequential test is required to steer development to the areas with the lowest risk. Following the sequential test, development should not be permitted if there are reasonably available alternative sites appropriate for the development in areas with a lower risk of flooding.
9. Paragraph 7.2 of the LP sets out that much of the Sedgemoor district is at significant risk of flooding, including large parts of the district's main urban areas such as Highbridge. Paragraph 7.7 indicates that in applying the sequential test, the LP also seeks to support wider objectives of the spatial strategy setting out the preferred locations for growth. LP Policy D1, relating to flood risk and surface water management, states that the sequential test will be considered to be passed for proposals located within identified settlement boundaries, so I find the sequential test to be passed.
10. Following this, I turn to the exception test. The Framework indicates that to be passed, it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and that the development will be safe for its lifetime, without increasing flood risk elsewhere.
11. The site is in an accessible location within easy walking distance of many services and facilities, and public transport connections to locations further afield. Given the strategy set out in LP Policy D1 for meeting the district's housing needs within identified settlement boundaries, notwithstanding their flood risk, I find that wider sustainability benefits exist that outweigh the flood risk.
12. Turning to safety and flood risk elsewhere, and with regard to the Environment Agency's (EA) comments, there are concerns about the residual flood risk in the event that river and tidal defences were breached. The adjoining railway line affords some protection to the site but, whilst this would be maintained by

Network Rail in order to safeguard the operation of the railway, it is not maintained as a flood defence and should not necessarily be regarded as such.

13. Nevertheless, despite expressing some concern about this, the EA raise no objection subject to certain planning conditions to make the development safe. These include setting floor levels at a certain height and ensuring all dwellings have a safe refuge at first floor level. These details are accounted for on the submitted plans. Whilst the site may have flooded in the past, with the addition of flood resilient construction, which can be secured by planning condition, and given the EA's overall position, I find that the development would be safe for future occupiers.
14. To prevent an increase in flood risk off-site, surface water would be attenuated on-site. The Lead Local Flood Authority (LLFA) initially indicated that there was insufficient evidence for them to provide a substantive response to the application. Additional information was provided that addressed some of their concerns, along with concerns of the Axe Brue Internal Drainage Board (IDB) about exceedance routes and, in particular, effects on Walrow Terrace.
15. The additional information proposed that a bund be constructed to contain exceedance flows. Although this could form a 'bowl' effect containing more water on the site, evidence from the appellant<sup>1</sup> indicates that it would not increase flood risk to the proposed dwellings. The IDB has indicated that that the final details of the bund could be secured by planning conditions.
16. There is no clear evidence that the additional information addressed all of the earlier points around which the LLFA sought further details. Indeed, in correspondence with a local resident, the LLFA indicated that additional information was required to enable them to confirm their position. However, whilst these shortcomings may have meant that their initial response was not substantive it did not contain an objection. Moreover, the second LLFA response is clear that no objection is raised, subject to a condition to cover detailed design. During the appeal, the Council has also confirmed specifically that there is no objection on flood risk grounds. I, therefore, conclude that the detailed design would address those other outstanding matters.
17. I understand that a flap valve on the rhyne to which the site would discharge prevents discharge into the River Brue at times of high tide. However, I have no substantive evidence that this was not accounted for in the responses of the various drainage consultees. Furthermore, this appeal relates to a second application for the housing development that is largely unchanged from that previously considered by the Council and through an appeal. I have been provided with no clear evidence that either scheme was considered at any stage to give rise to an increase in off-site flood risk. Given the long-standing position of the Council on this matter and all three consultees with an interest in flood risk and surface water management, I conclude that there would be no increase in off-site flood risk as a consequence of the development.

#### *Highway safety*

18. The site would be accessed from Walrow Road, a busy route that leads to the centre of Highbridge. Close to the site, the road crosses the railway line via a

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<sup>1</sup> Letter from RMA Environmental (29.02.2020)

narrow, weight restricted bridge. Single file traffic flow over the bridge is controlled by traffic signals.

19. I understand that at times parked cars, some of which may belong to train users, can obstruct visibility along this stretch of road and that queueing traffic at the signals can lead to congestion around the junction with Somerset Way, which is broadly opposite the proposed access point.
20. However, while the site access would approach Walrow Road on an incline, it appeared to me that adequate visibility would be available in both directions. There are parking restrictions along the part of the highway around the proposed access, so parked cars would not obstruct visibility on egress for some distance to the left. Although traffic may accelerate off the railway bridge towards the site, there would be visibility to the right of vehicles leaving the bridge and any queueing traffic. Importantly, the Local Highway Authority have indicated that the visibility splays and access arrangements are acceptable and for the reasons noted, I share that view.
21. I note the numerous concerns about the volume of traffic Walrow Road and that the traffic data provided by the appellant is not particularly recent. However, although there is anecdotal evidence of road traffic accidents in the area, there is no substantive evidence that this is linked to traffic volumes. Additional traffic may cause more queueing and some additional delays in the area, as well as disruption during construction. However, the Local Highway Authority advise that the proposal would have a minor impact on the operation of the adjacent signalised bridge and the local highway network.
22. Although Highways England have noted capacity issues at the M5 Motorway Junction 22, their advice indicates that the effect of this development upon the safe operation of the M5 would be minimal. Therefore, I see no reason to depart from the Council's conclusion that the effects on the M5 from this development are unlikely to be significant. The Framework indicates that permission should only be refused on highway grounds if the impacts would be severe. For the above reasons they would not be.
23. I understand that a number of people feel that it is not safe to cycle or walk from the site. Indeed the footway narrows on approach to the bridge, putting pedestrians closer to vehicular traffic. However, the weight limit on the bridge would limit the size of vehicles that could legally pass, and the footway is continuous. Whilst the area may have been deemed unsuitable for local residents to undertake a speed monitoring exercise, there is no substantive evidence that any safety concerns over speed monitoring would necessarily translate to safety concerns for general users of the highway.
24. There are also concerns about the bridge structure and embankments, especially following the removal of vegetation at the site. I saw some cracking within the footway leading up to the bridge. However, I have no reason to conclude that the additional traffic from the development would cause degradation of the bridge structure, nor that its ongoing maintenance should be the responsibility of the developer. Weight restrictions in the area may complicate access for construction vehicles, but that is not be a reason to withhold permission.
25. With regard to the above, I find that the proposal would not cause harm to highway safety.

## Other matters

26. A number of local people are concerned about the quantum of development being allowed within Highbridge, a shortage of places within schools, doctors' surgeries and the like, and a loss of green space. However, while green spaces may provide benefits to health and well-being, as the site is within the settlement boundary it is acceptable for development. The Council's officer report confirms that through planning obligations and the Community Infrastructure Levy, the development would be acceptable in principle. Therefore, I have no reason to conclude that these payments would not address any deficiencies in infrastructure.
27. I understand that a number of older dwellings within the area, including Walrow Terrace, have limited foundations. However, although vibrations can be felt from passing trains, there is no substantive evidence that construction works at the site would have an adverse effect on the structural integrity of these nearby dwellings. I have no particular reason to find that the security of neighbouring sites, including Walrow Ponds, would be adversely affected or that the Ponds would be harmed in any other way such as through pollution, including noise.
28. Amongst some other wildlife potential, the appellant's ecology appraisal<sup>2</sup> identified small amounts of reptile habitat at the site, including slow worm. There is also some potential for birds. The appraisal recommends translocating reptiles away from the site and such can be secured through planning conditions, along with the timing of works to avoid bird nesting. It indicates that the existing buildings have low value for roosting bats, but that the field margins may support commuting and foraging.
29. Ecology enhancement can be secured through incorporating roosting opportunities for bats, bee bricks, swift bricks and sparrow terraces. The Somerset County Council Ecologist initially responded to the application pointing out that the value of the site to foraging and commuting bats was unknown and that activity surveys were required to determine appropriate habitat replacement.
30. The Ecologist's later comments indicated that whilst habitat enhancement may be below expected levels, some gain would occur at the site. The evidence does not suggest, therefore, that bats would be harmed through the development. Additional survey work would ensure that the buildings were not used and inform final details of habitat enhancement. As there would be no demonstrable harm, such can be secured by condition without introducing an inherent conflict with advice in Circular 2005/06 that requires the use of a site by protected species to be understood before permission is granted.
31. A planning obligation has been provided relating to affordable housing, public open space, off-site habitat mitigation and travel planning. The provision of affordable housing is required by planning policy. It is a benefit that would arise from the grant of permission. In light of my findings in respect of ecology, above, the need for off-site habitat mitigation is uncertain, but in any case, like the other obligations, it would relate to mitigation and so be neutral in the planning balance. The other mitigation would be fairly and reasonably related

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<sup>2</sup> Crossman Associates (25.10.2018; Updated 03.03.2020): Ecological Appraisal of Land at Walrow House, Walrow Terrace, Highbridge; ref F1102.012

to the development proposed and necessary to make the development acceptable.

### **Conditions**

32. A plans condition is required in the interests of certainty. Conditions requiring the submission and implementation of a landscaping scheme are required in the interests of the character and appearance of the area along with a condition to secure protection of trees outside the site boundary.
33. To ensure that future residents are adequately protected from flood risk and flood risk is not increased elsewhere, conditions are required to secure a detailed drainage scheme, the bund along the boundary of the site closest to Walrow Terrace, and a scheme detailing flood resilience measures. Separate condition to control matters such as preventing disposal of surface water to the highway or soakaways close to the railway line or are not necessary as such details would be evident within the detailed scheme. This appeal relates to a full application where all development has been designed to be at least two-storey with any single-floor units at upper levels; site and floor levels are clearly stated on the approved plans and so separate conditions to secure these details are not necessary.
34. In the interests of highway safety, conditions are necessary to secure full details of the proposed estate road construction, ensure that a properly consolidated access is formed, that adequate visibility splays are provided and parking and turning facilities remain available. A condition is required to secure a travel plan, to promote travel by non-car means. I have amalgamated some of the Council's suggested conditions in the interests of clarity.
35. To protect reptiles a condition is necessary to ensure translocation to an appropriate habitat. A condition is necessary to ensure that external lighting is designed to ensure the protection of any bats that may use the area for foraging. A condition to secure bat roosts and bird nest boxes is required to ensure biodiversity enhancement, in accordance with the Framework.
36. To protect birds, a condition is required to prevent works to trees and hedgerows during the nesting season. I have amalgamated some of the Council's suggested conditions in this regard. There is no particular justification given for a condition requiring tree works to be carried out in accordance with good practice and a suitably qualified arborist, so I have not included one. Whilst there is no evidence of bat roosting on the site, it is possible that bats could use the boundaries for foraging and commuting. Therefore, further activity surveys are required to assess their use of the site and determine any required mitigation. In light of this, a specific condition requiring a survey of trees for bats is not necessary.
37. Given the nature of the access routes and proximity of surrounding development, a condition is required to secure a Construction Management Plan (CMP) in the interests of protecting living conditions and highway safety. Separate conditions relating to wheel washing, controlling mud from construction vehicles, construction hours, formation of a site access road, are not necessary.
38. As there is potential for contamination at the site, a condition is required to secure further investigation and any necessary mitigation. The appellant's



acoustic assessment<sup>3</sup> identifies the need for mitigation of noise levels at some of the proposed dwellings, particularly from railway noise. Whilst this indicates that satisfactory noise levels can be achieved, a condition is required to secure a detailed mitigation scheme.

39. The Council has recommended a condition requiring a written commitment to the sourcing of local labour. However, whilst the requirements are laudable and may be supported by development plan policy, it is unclear how the requirements of the Council's condition could be enforced or amended so as to result in meaningful local labour supply. Given the uncertainties, and that permission would not be refused without the condition, I have not imposed it.
40. The Council has suggested conditions that the gradient of the main access road and access to a bin store do not exceed specified limits. However, the plans clearly show that they would not. I have specified that the development must be carried out in accordance with the various submitted plans and conditions in this regard are not, therefore necessary.
41. Some of the Council's recommended conditions included the need for further studies, including the need for assessment of the suitability of the site for drainage and acoustic conditions. However, these matters have been dealt with in existing reports and I have amended the requirements of the conditions accordingly. I have made further revisions to a number of the Council's recommended conditions to ensure compliance with the Framework.

### **Conclusion**

42. With regard to the foregoing, I conclude that the appeal should be allowed.

*M Bale*

INSPECTOR

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<sup>3</sup> Mach Residential (11.07.2018): Land to the north of Wlarow, Highbridge. Assessment BS 8233:2014

## Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: F1451/SiteLocPlan; F1451/101/B; F1451/102/B; F1451/103/B; F1451/104/B; F1451/105/B; F1451/106/B; F1451/107/B; F1451/108/B; F1451/109/B; F1451/110/B; F1451/111/B; F1451/112/B; F1451/113/B; F1451/114/B; F1451/115/B; F1451/116/B; F1451/117/B; F1451/118/B; F1451/119/B; F1451/120/B; F1451/121/A; F1451/S.o.A/G; F/1451/SP.01/H; IMA-18-007/003; IMA-18-007/TR/001; IMA-18-007/TR/002; IMA-18-007/TR/003; IMA-18-007/TR/004; IMA-18-007/TR/005; IMA-18-007/TR/006.
- 3) Prior to the commencement of the development hereby permitted, a detailed scheme for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change, and no discharge of surface water to an existing highway. The submitted details shall:
  - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
  - ii. provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system.
  - iii. Provide full details of the bund and retaining wall preventing overland flow to the east of the development.
  - iv. 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 and maintenance of the scheme, including the bund, throughout its lifetime, including:- details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.
- 4) The bund/wall, approved pursuant to condition 3(iii) shall be constructed prior to the occupation of any dwellings and thereafter maintained as such.
- 5) Prior to the commencement of development, including any vegetation and brashings removal a 'Reptile Mitigation Strategy', including details of the suitability of a translocation site and the timing of works, shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy and timings shall thereafter be fully complied with.
- 6) Prior to the commencement of development, including any site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management



Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the CMP shall include:

- Measures to regulate the routing of construction traffic;
- The importation and of spoil and soil on site;
- The removal /disposal of materials from site, including soil and vegetation;
- The location and covering of stockpiles;
- Details of measures to prevent mud from vehicles leaving the site and must include wheel washing facilities;
- Control of fugitive dust from earthworks and construction activities; dust suppression;
- Noise and Vibration control plan (which includes control methods);
- A waste disposal policy (stating no burning on site);
- Details of any site construction office, compound and ancillary facility buildings;
- Specified on-site parking for vehicles associated with the construction works, deliveries and the provision made for access thereto;
- Construction operation hours;
- Construction delivery hours;
- A scheme to encourage the use of Public Transport amongst contractors;
- A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number;

The approved details and any subsequent amendments as may be agreed in writing by the Local Planning Authority shall be complied with in full for duration of the construction of the development.

- 7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D of this condition has been complied with in relation to that contamination.

#### A. Site Characterisation

A detailed site investigation and risk assessment must be completed in accordance with current UK guidance to assess the nature, extent and scale of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The investigations, risk assessments and written reports must be approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) desk study information, conceptual models, investigation methods, investigation; results and interpretation and any other information required to justify and appraise the report findings.
- (iii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets,
  - woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' (or other relevant guidance that may replace or supersede this guidance).

#### B. Submission of Remediation Scheme

In cases where contamination is shown to exist a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, the natural and historical environment and surrounding land must be prepared, and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

investigation and risk assessment must be undertaken in accordance with the requirements of part A of this condition, and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in accordance with the requirements of part B of this condition. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C of this condition.

#### E. Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the proposed remediation, is required as part of the approved remediation scheme then the monitoring and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with current UK guidance including DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', or any relevant guidance that may replace or supersede this guidance.

- 8) Prior to the commencement of any works in connection with the construction of dwellings, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings 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.
- 10) Prior to the commencement of the development hereby permitted, temporary protective fencing shall be erected in line with root protection areas (RPA) of any off-site trees that extend onto the site in accordance with a tree protection plan and arboricultural method statement that shall first have been submitted to and approved in writing by the Local Planning Authority. No materials shall be stored, fires lit, liquids tipped, rubbish dumped or plant stored within defined root protection areas. No underground services shall be located within the RPA without the prior written approval of the Local Planning Authority. The protective fencing shall be retained for the duration of development activities on the site and shall not be altered or realigned without prior approval in writing by the Local Planning Authority.
- 11) Prior to the installation of any external lighting, a detailed lighting scheme, shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including any domestic security and/or amenity lighting, will be installed (including through

- the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. No other external lighting other than that specified in the approved scheme shall be installed at the site at any time.
- 12) Prior to the commencement of the development hereby permitted, a bat activity survey shall be carried out. A report confirming the recorded activity and any mitigation required to protect bats, together with the timing of any mitigation, shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation shall be implemented in accordance with the approved details and timings and shall thereafter be maintained as such.
  - 13) Prior to the construction of any dwellings a scheme for the incorporation of bat roosts and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be installed prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such.
  - 14) Prior to the construction of any dwellings, a scheme to mitigate noise and vibration impacts shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be maintained as such.
  - 15) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. Prior to the occupation of any dwelling, the access to it from the public highway shall be surfaced with a properly consolidated and surfaced site access road. Any parking and turning facilities associated with the dwelling shall be provided and shall thereafter not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
  - 16) At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the visibility splays shown on the approved plan (Drawing No. F1451/SP.01/H). Such visibility splays shall be constructed before the access is brought into use (including any use by construction traffic) and shall thereafter be maintained as such at all times.
  - 17) No removal or pruning of hedgerows, trees or shrubs or demolition of buildings or structures that may be used by breeding birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared or works to buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and

approved in writing by to the Local Planning Authority prior to the works commencing.

- 18) Prior to the construction of any dwellings, a scheme detailing flood resilience measures to be incorporated into the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the occupation of the dwelling to which it relates and shall be subsequently maintained in accordance with the details included within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
- 19) Prior to the occupation of any dwelling hereby permitted, a travel plan, including timings for the implementation of any measures shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the timings described therein.