The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 19 December 2017

Appeal Ref: APP/B3438/W/17/3177010
Land off Milltown Way, Leek ST13 5SZ

- 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 Gladman Developments Limited against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0413, dated 6 July 2016, was refused by notice dated 23 March 2017.
- The development proposed is for up to 25 dwellings, with associated open space and community park, ecological management area, woodland planting and landscaping with all matters reserved, with the exception of vehicular and pedestrian access off Milltown Way.

Decision

1. The appeal is allowed and planning permission is granted for up to 25 dwellings, with associated open space and community park, ecological management area, woodland planting and landscaping with all matters reserved, with the exception of vehicular and pedestrian access off Milltown Way at Land off Milltown Way, Leek ST13 5SZ in accordance with the terms of the application, Ref SMD/2016/0413, dated 6 July 2016, subject to the conditions contained within the attached Schedule.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have determined the appeal on that basis. The application submission was initially for up to 40 dwellings. However, during the course of the Council's consideration of the application this was revised to up to 25 dwellings. This is reflected in the description of the proposed development as set out in my banner heading above.

3. A signed and dated Unilateral Undertaking (UU), dated 17 November 2017, was submitted with the appeal. The UU relates to the provision of affordable housing, education contributions, public open space provision and contributions and an Ecological Management Area. I shall refer to this later in the Decision.

Background and Main Issue

4. The appeal proposal follows a previous appeal[1] for up to 90 dwellings on the same site, which was dismissed. The current proposal seeks to address the

[1] Appeal Ref APP/B3438/W/15/3005261

previous Inspector's and the Council's concerns, primarily by reducing the number of dwellings from up to 90 to up to 25. In doing so, the Council are now satisfied that the proposal would not significantly harm the character or appearance of the Leek Conservation Area (the CA), which I shall return to later in my decision. Nevertheless, the Council still have concerns regarding the effect on the setting of Pickwood Hall and the landscape.

5. Given the above, I consider that the main issues are the effect of the proposed development on the setting of the grade II listed building, Pickwood Hall, and its effect on landscape and visual impact

Reasons

Five Year Housing Land Supply

6. There is no dispute amongst the parties that the Council cannot demonstrate a five year supply of deliverable housing land. Therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) the relevant policies for the supply of housing are not considered to be up-to-date.

7. It is not clear from the evidence before me what exactly the housing supply shortfall is. The Council's statement of case, dated November 2017 suggests that the shortfall is 1.99 years, whereas the Council's report to the Planning Applications Committee, dated 2 March 2017 states that they cannot demonstrate a 1.87 years supply. Moreover, the same report to the Planning Applications Committee states that the housing shortfall position has not materially changed since the issuing of the previous appeal decision. In that decision the Inspector found that the supply of housing was some 1.7 years. Therefore, regardless of the actual figure, it is clearly evident that there is a very significant shortfall in the supply of deliverable housing land.

Effect on the setting of Pickwood Hall

8. Pickwood Hall dates back to the mid-19th century and embodies elements of an earlier building, with extensions and interior modelling in the 1890s. The main aspect of the house is to the south, which provides views of the valley that lies to the south of the appeal site. There is a projecting wing on the north elevation of the house which has glazed doors with a northerly aspect. The house is accessed via a private driveway that leads off Milltown Way and passes through, and also provides access to, the appeal site.

9. Pickwood Hall is surrounded by gardens, and parkland. I note that during the previous appeal, which was the subject of an Inquiry, there was much discussion regarding the parkland identified by the Historic Environment Record. The Inspector concluded that the appeal site did not form part of this parkland, which is not disputed by the parties. Nevertheless, the appeal site still forms part of the setting of the listed building.

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA Act), requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Accordingly, I have a statutory duty to consider the effect of the development on the setting of the listed building.

11. Policy DC2 of the Staffordshire Moorlands Local Development Framework Core Strategy (CS) 2014 seeks to protect the historic environment and landscape. The appellant contends that this policy is inconsistent with paragraphs 132 to 134 of the Framework as it does not allow the weighing of any public benefits against any less than substantial harm. In addition, it makes no distinction between the approach to be taken depending on the importance of the heritage asset, i.e. designated or non-designated heritage assets. I acknowledge that the CS was adopted following the publication of the Framework. Nevertheless, I agree with the appellant's argument and in accordance with paragraph 215 of the Framework I attribute limited weight to Policy DC2. I noted that the previous Inspector made a similar conclusion.

12. During my site visit I observed that the listed building was visible from numerous points from within the appeal site. Whilst there are existing trees on the boundary between the appeal site and the house, which would likely aid in screening the house when they are in leaf, at the time of my visit there were no leaves on the trees and views of the house were relatively clear.

13. I did not have access to the listed building. However, it is likely that the appeal site can be readily seen from the house. Furthermore, given the openness of the appeal site and the lack of boundary treatment on its eastern boundary, the housing to the east of the appeal site would also be readily visible from the house. The appeal site has an open rural quality to it and provides a clear separation between the urban development of the housing estate to the east and the more rural setting of the listed building and its surrounding grounds to the west. Overall, the site makes a positive contribution to the significance of the listed building and its setting.

14. The proposed development would significantly erode this separation, extending the built form of the settlement closer to the listed building, which has historically been set within a spacious setting. Given the nature of the proposal this erosion would be permanent and would result in a harmful effect on the setting of the listed building, which is agreed by both parties. Both parties also agree that this harm would be less than substantial. The crux of the dispute is to what degree of harm there would be.

15. In their evidence, both parties rely heavily on the findings of the previous Inspector, who found that there would be a moderate amount of harm to the significance of Pickwood Hall. Whilst I am not bound by the findings of the previous Inspector, his decision is a significant material consideration and based on the evidence before me I find no reason to disagree with his findings.

16. In response to the previous decision and the findings regarding the harm to Pickwood Hall, the scheme has been reduced to up to 25 dwellings and the built form has been pulled back from the listed building. Furthermore, an open area has been retained between the recreation ground and the listed building and there would be planting on the eastern boundary of the access drive between the development and the listed building.

17. As with the previous scheme, the built form of the development would still occupy the open space between Pickwood Hall and the existing edge of the settlement. This open space and its rural character would be significantly reduced. The proposed planting would provide some mitigation and would reduce the harshness of the boundary walls of the existing residential

development. However, it would not have any appreciable effect on the loss of the openness of the site.

18. Overall, even though the scheme is significantly smaller in scale than the previous scheme, up to 25 dwellings as opposed to 90 dwellings, I find that there would be moderate harm to the setting of Pickwood Hall. As such, it would conflict with Policy DC2 of the CS. However, as I have found above, this policy attracts only limited weight. Furthermore, it would conflict with Policies SS1 and SS5a of the CS, which seeks to ensure that development protects and enhances the natural and historic environment of the District.

Landscape and visual impact

19. In support of the application, the appellant submitted a Landscape and Visual Appraisal (LVA), dated July 2016, undertaken by FPCR Environment and Design Ltd. I note that the LVA was based on the initial submission scheme of up to 40 dwellings rather than the revised scheme of up to 25. Nevertheless, given that the proposed scheme is smaller in scale, and therefore would likely have a lesser impact, I find that it provides a reasonable assessment of the proposed effects of the development on landscape and visual impacts.

20. The site is located within the National Character Area (NCA) of The Potteries and Churnet Valley, which covers a large area and includes significant urban settlements including Stoke-on-Trent, Newcastle-under-Lyme and Biddulph and continues across more open areas southeast towards Uttoxeter. Policy SS7 of the CS seeks to ensure that development protects the landscape character and heritage assets of the Churnet Valley. The site also falls within the Landscape Character Type 'Dissected Sandstone Cloughs and Valleys', as identified in the Council's Landscape and Settlement Character Assessment of Staffordshire Moorlands (LSCA) 2008. Furthermore, it is also within an area identified as 'important landscape setting to settlement' in the LSCA.

21. The LVA finds that during construction for the scheme of up to 40 dwellings there would be a moderate to minor adverse effect on the immediate context and a minor adverse to negligible effect on the wider landscape. Upon completion, there would be a medium magnitude of change, resulting in a moderate adverse landscape effect in the long term.

22. With regard to visual impacts, during the construction of the scheme of up to 40 dwellings, which would likely be over a period of 1-2 years the effects would be major to moderate adverse for sensitive receptors adjacent to the site and minor to negligible for receptors at greater distances. Upon completion, there would be major to moderate adverse effects on the immediate surroundings of the site. However, the effects to the overall wider landscape would be minor adverse. After 10 years, the maturing of the landscape would reduce the effects to moderate to minor adverse for the immediate surroundings and minor to negligible to the wider landscape.

23. Overall, the LVA concludes that although there would be inevitable adverse impacts on the landscape and visual receptors during the construction of the development and after its completion, the visual effects are considered to be no more than moderate adverse in the long term and therefore are considered to be acceptable.

24. The Council have not provided an LVA and do not dispute the findings of the appellant's LVA. They rely solely on the Appeal Statement prepared by Asset Heritage Consultants, dated November 2017 and the Officer's Committee Report. However, whilst the Appeal Statement refers to the effect of the proposal on the landscape, this is in the context of the setting of Pickwood Hall, rather than the landscape in general.

25. I note that the LVA considers that the site and immediate landscape is of medium to high landscape value. However, this is contrary to the findings of the previous Inspector, who found that the landscape value is high. As there is no apparent change to the landscape since the previous appeal decision, I find no reason to disagree with the previous Inspector. Nevertheless, the current LVA has been considered on the basis of up to 40 dwellings as opposed to 25 dwellings, which is a significant difference and would likely have a marked impact to the effects it would have on the landscape and visual impacts, which would likely be less.

26. Based on the evidence before me, and the observations I made during my site visit, I find that the proposal would result in moderate landscape and visual harm. As such, it would be contrary to Policy SS7 of the CS. It would also conflict with Policy DC3 of the CS which seeks to protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands.

Other Matters

27. Local residents raise concern regarding the effect of the proposal on highway safety as construction vehicles and future residents would increase the use of the narrow roads through the existing housing estate where there are already long queues at busy times, particularly at the junction of Pickwood Avenue and Ashbourne Road. However, the local highway authority raises no objection to the proposal. Based on the evidence before me, including the Transport Assessment, dated June 2016, and the Travel Plan, also dated June 2016, both undertaken by Ashley Helme Associates Ltd, and in the absence of any substantive evidence to the contrary, I find no reason to draw a different conclusion.

28. One of the concerns regarding the previously dismissed scheme was its harmful effect on the setting of the CA. The built form of the proposed development has been set further back from the north of the site. As a result it has a less urbanising effect on the Pickwood Recreation Ground and would reduce the impact on more distant public views of the CA when viewed from the recreation ground. Consequently, the Council raise no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the CA and based on the evidence before me I find no reason to conclude otherwise.

29. The planning obligations in the UU have to meet the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122 in order for them to be taken into account in my determination of this appeal. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonable related in scale and kind to the development. These tests are also identical to those set out in paragraph 204 of the Framework.

30. The UU would secure on-site provision of no less than 33% affordable housing; off-site Play Space and Playing Field contributions; an on-site Open Space and Ecological Management Area; and, contributions towards education needs. From the evidence before me, I am satisfied that the planning obligations meet the tests in CIL Regulation 122 and paragraph 204 of the Framework.

Planning Balance and Conclusion

31. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I have found that there would be less than substantial harm to the significance of a designated heritage asset, namely Pickwood Hall.

32. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

33. In this case, in the absence of a deliverable five year housing land supply the provision of up to 25 dwellings, including the provision of affordable housing in line with the requirements of the CS, would make a significant contribution towards the very significant shortfall in housing supply. This represents a very significant public benefit. Furthermore, the site has good access to services, facilities, education and employment opportunities. The development would create opportunities in the construction industry and the occupants of the dwellings would contribute towards the local economy and community. Furthermore, the proposal would likely bring biodiversity benefits.

34. I note the Council's argument that the previously dismissed scheme was for 90 dwellings and therefore its public benefit would be greater than the current proposal. I share this view. Nevertheless, I find that the public benefits of the proposal would still outweigh the moderate harm to the significance of Pickwood Hall.

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory primacy of the development plan is reinforced in paragraphs 196 and 210 of the Framework and its first core principle is that planning should… "be genuinely plan-led." The Framework is a material consideration to which substantial weight should be attached.

36. Paragraph 14 contains two alternative limbs in relation to decision-taking. The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. Policies in relation to heritage assets fall within the ambit of footnote 9. Whilst the proposal would be contrary to Policy DC2 of the CS, as this policy is not consistent with the Framework I attribute greater weight to the Framework, which, in this case does not indicate that development should be restricted. It is necessary therefore to conduct the balance in the first limb.

37. There would be less than substantial harm to Pickwood Hall and harm to landscape character and the visual amenity of the landscape. As a consequence of these matters I conclude that the proposal is contrary to the development plan when viewed as a whole. However, there is a considerable and significant shortfall in the housing supply in the District. The dwellings would be located in an accessible location and would bring economic activity and other benefits. In this appeal all of the harms and benefits which I have identified cover the three dimensions of sustainability, as set out in paragraph 7 of the Framework, and have been considered in the overall balance. When all things are considered I conclude that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits.

38. For the reasons given above, having regard to all matters raised and when assessed against the policies in the Framework taken as a whole, the appeal is allowed.

Conditions

39. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. I have revised some of the wording in the interests of clarity and enforceability.

40. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans and that the development shall be for no more than 25 dwellings.

41. In the interests of promoting sustainable forms of transport, a condition is necessary requiring further pedestrian and cycle accessibility from the site to Leek town centre.

42. In the interests of highway safety, conditions are necessary regarding the construction of the access in accordance with the approved details and details to be submitted and agreed regarding the layout of roads, buildings, parking, turning and servicing; means of surface water drainage; street lighting; and, surfacing materials.

43. To safeguard residential amenity, a condition is necessary requiring the submission and approval of a Construction and Environmental method Statement.

44. In the interests of flood prevention, conditions are necessary regarding the development to be carried out in accordance with the Flood Risk Assessment, dated June 2016, undertaken by Hydrock Consultants Limited, including a timetable for the implementation of the mitigation measures, and finished floor levels.

45. In the interests of public health, conditions regarding a site investigation, contaminated land and the importation of soil and material are necessary.

46. To protect biodiversity, conditions are necessary regarding the submission and approval of a Landscape and Habitat Enhancement and Management Plan; the undertaking of bat surveys; the provision of nesting sites; the protection of water courses; the restriction of when tree/shrub clearance can take place; and the submission and approval of a lighting scheme and an Arboricultural Method Statement.

47. Finally, in the interests of safeguarding any archaeological findings, a condition is necessary regarding the submission and approval of an archaeological investigation.

48. It is essential that the requirements of conditions 8, 9, 11, 13, 17, 19, 20, 22, 23 and 24 are agreed prior to the development commencing to ensure an acceptable form of development in respect of highway safety, safeguarding residential amenity, flood prevention, public health, safeguarding protected species, preserving the character and appearance of the area and safeguarding archaeological interests.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted is for up to 25 dwellings.

2) Details of the appearance, landscaping, layout and scale and which (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.

3) 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.

4) 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.

5) The development hereby permitted shall be carried out in general accordance with the principles set out in the indicative Framework Plan 5122-L-01 Rev G.

6) No development shall take place, accept for land clearance, until a scheme for securing further pedestrian and cycle accessibility of the site to Leek town centre (in addition to the approved main site access at Milltown Way) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of any of the approved dwellings.

7) Access to and within the development shall be carried out in full accordance with the details shown on the approved Ashley Helme access drawing number 1332/01.

8) No development shall take place until full details of the construction of the following have been submitted to and approved in writing by the local planning authority:-

- Layout of roads and buildings;
- Provision of parking, turning and servicing within the site curtilage;

- Means of surface water drainage including longitudinal sections to SUDS principles;
- Street lighting; and,
- Surfacing Materials.

The development shall be carried out in accordance with the approved details and shall be completed prior to first occupation of any of the approved dwellings.

9) Prior to the commencement of development, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the local planning authority. It shall include the following details:-

- The method and duration of any pile driving operations (expected starting date and completion date);
- The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- The arrangements for prior notification to the occupiers of potentially affected properties;
- The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- A scheme for recycling/disposal of waste resulting from the construction works;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,
- Installation and maintenance of wheel washing facilities.

The approved Construction and Environmental Method Statement shall be adhered to throughout the construction period for the development.

10) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:-

    i. A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates;

    ii. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance;

    iii. Investigation to ascertain the risk posed by the culvert situated under the embankment during detailed design of the development for any effects upon the proposed footpath linkage.

11) No development shall take place until a timetable for the implementation of the flooding mitigation measures have been submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved timetable.

12) The finished floor levels of the hereby approved dwellings shall be set at least 150mm above adjacent ground levels.

13) No development shall take place until a Phase 2 Site Risk Assessment has been undertaken to assess the nature and extent of any contamination on the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The assessment shall be based on the proposals as outlined in Section 6 of the submitted 'Desk Study at Land off Milltown Way, Leek. Once completed, a written report of the assessment's findings and recommendations shall be agreed in writing by the local planning authority before any development begins. If the Phase 2 site Risk Assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and will be subject to the written approval of the local planning authority.

14) Following completion of measures identified in the approved remediation strategy and prior to bringing the development into first use, a validation report demonstrating the effectiveness of the remediation carried out shall be produced and shall be subject to the written approval of the local planning authority prior to first occupation of any of the hereby approved dwellings.

15) If, during the course of development, any contamination is found which has not been previously identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Prior to bringing the development into first use, a validation report demonstrating completion of the works as set out in the approved remediation strategy shall be subject to the written approval of the local planning authority prior to first occupation of the development.

16) No top soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be

submitted to and agreed in writing by the local planning authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the local planning authority prior to the first occupation of the approved development.

17) No development shall take place until a 'Landscape and Habitat Enhancement & Management Plan' prepared in accordance with the Ecological Appraisal, including long term design objectives, management responsibilities, maintenance schedules over a 20 year period for the appeal site shown on and Location Plan drawing ref. 5122-L-03 Rev G has been submitted to and approved in writing by the local planning authority. The Plan shall include design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) within the site. The following details shall be provided:

- The extent and type of new planting (planting to be of native species wherever appropriate);
- Any new habitat created on site;
- Treatment of site boundaries and / or buffers around water bodies;
- Trees and shrubs planted within developed landscaped areas should be of native species of a similar composition to species identified within species rich hedgerows and the adjacent woodland; and
- A Timetable for the implementation of the plan.

The approved management plan shall be implemented in accordance with the approved details.

18) Further detailed bat surveys shall be carried out prior to the removal of any trees identified as having high –medium potential for bats through previous bat surveys. Surveys should be carried out according to the Bat Conservation Trust Survey Guidelines 2nd Edition Bat Conservation Trust.

19) No development shall take place until details for the provision of 10 nesting sites for swifts, bats and other birds of Conservation Concern (as defined by the Royal Society for the Protection of Birds), such as house sparrow, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

20) No development shall take place until details of how water courses located on the site will be protected from possible pollution and contamination during the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

21) No tree / shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the relevant area has been surveyed in advance for breeding birds and confirmation of this has been submitted to and approved in writing by the local planning authority. Where breeding birds are identified in the relevant area, a scheme to protect them shall be submitted to and approved in writing by the local planning authority prior to the carrying out of the relevant tree / shrub clearance work and the scheme shall be implemented in accordance with the approved details.

22) No development shall take place until details of a lighting scheme have been submitted to and approved in writing by the local planning authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The development shall be carried out in accordance with the approved details.

23) No development shall take place until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Statement and protection scheme, and in particular:

a. No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the local planning authority;

b. If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the local planning authority;

c. No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the approved protection scheme are in place;

d. No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the approved protection scheme; and,

e. All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development for that phase of the site hereby permitted and shall not be moved or repositioned, without the prior written approval of the local planning authority.

24) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and in particular:

- The programme and methodology of site investigation and recording;
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation.

The development shall be carried out in accordance with the approved details.