
Appeal Decision

Inquiry held on 30 June and 1, 2 July 2015

Site visits made on 29 June and 2 July 2015

by John Wilde C.Eng M.I.C.E.

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

Decision date: 19 August 2015

Appeal Ref: APP/F0114/A/14/2228577

Land at Temple Inn Lane, Temple Cloud, Bristol, BS39

- 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 E Bruegger against the decision of Bath & North East Somerset Council.
 - The application Ref 13/03562/OUT, dated 16/8/13, was refused by notice dated 11 September 2014.
 - The development proposed is development of the site for residential purposes (approximately 70 dwellings) with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval).
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Decision

1. The appeal is allowed and planning permission is granted for development of the site for residential purposes (approximately 70 dwellings) with associated public open space, landscaping and parking. Primary vehicular access from Temple Inn Lane to be determined, (internal access, layout, scale, appearance and landscaping reserved for subsequent approval) at Land at Temple Inn Lane, Temple Cloud, Bristol, BS39 in accordance with the terms of the application, Ref 13/03562/OUT, dated 16/8/13, subject to the conditions contained in the attached schedule.

Procedural matters

2. As indicated by the description of development in the header to this decision, the application was in outline with access to be determined at this stage. Layout, scale, appearance and landscaping are reserved for later determination.
3. I made an unaccompanied site visit on 29 June at about 3.15 p.m. and an accompanied site visit on 2 July at 3.20 p.m.

Application for costs

4. At the Inquiry an application for costs was made by Mr E Bruegger against Bath & North East Somerset Council. This application is the subject of a separate decision.

Main Issues

5. The main issues are:
 - (a) Whether or not there are material considerations that outweigh any conflict with development plan policy in relation to the location and scale of the proposed development.
 - (b) The effect of the proposed development on the highway network in terms of highway safety and congestion.

Reasons

The site

6. The appeal site is a 2.5 hectare agricultural field situated to the south of Temple Inn Lane. The site adjoins but is outside of the development boundary for the village although it has residential development to the east and west. It is not within the Green Belt.

The development plan

7. The Council adopted the Bath and North East Somerset Core Strategy (CS) on 10 July 2014. The CS is part one of the Local Plan and is to be followed by a Placemaking Plan DPD in due course. This is currently in preparation and a consultation on an Options Consultation Document took place between November 2014 and January 2015. The Council anticipate adoption of the Placemaking Plan in September 2016. Both main parties accept that the Council can demonstrate a five year housing land supply. The starting point for this appeal is therefore the policies of the CS, and also those saved policies of the Local Plan 2007 that have not been replaced by the CS.

Is there a conflict with the development plan?

8. Policy DW1 of the CS is an over-arching district-wide spatial strategy that contains nine criteria. Criterion one requires that, amongst other things, development in rural areas is located at settlements with a good range of local facilities and with good access to public transport. Criterion two indicates that the Council will make provision to accommodate an increase in the supply of housing by around 13,000 homes over the plan period, whilst criterion three makes clear that brownfield sites should be prioritised for new development in order to limit the need for development on greenfield sites. I note that table 1b in the pre-amble to policy DW1 gives a spatial distribution of housing requirement with the rural areas, which includes Temple Cloud, being required to provide 1,120 houses.
9. Policy RA1 indicates that at the villages located outside the Green Belt proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary provided that the proposal is in accordance with the spatial strategy for the district set out under policy DW1 and the village complies with two criteria relating to public transport and facilities. Whilst the appeal site complies with the two criteria it is nevertheless outside of the village boundary and therefore the proposed development would conflict with this policy by virtue of its location.

Material considerations in relation to policy conflict

10. However, the policy also makes clear that at the villages outside the Green Belt which meet these criteria, development sites will be identified in the Placemaking Plan and the housing delivery boundary will be reviewed accordingly to enable delivery during the plan period of the 1,120 dwelling identified on the Key Diagram¹. Paragraph 5.21 in the preamble to policy RA1 states that *the strategy for the rural areas is to enable housing developments of around 50 dwellings at each of the villages which meet the criteria of RA1*. The paragraph goes on to say that *the housing development boundaries shown on the policies map (saved from the existing Local Plan) will be reviewed as part of the Placemaking Plan to incorporate the sites identified and/or enable new sites to come forward*.
11. The site is included within the Placemaking Plan as site SR24. This confirms that Temple Cloud is an RA1 village and goes on to say that *the preferred approach for development in Temple Cloud would be for sites SR23 and SR24 to be allocated and developed to provide the about 50 dwellings*. Site SR23 is close to the appeal site, on the opposite side of Temple Inn Lane.
12. The site was submitted to the Council as being appropriate for development in response to the 'call for sites' exercise carried out in early 2013 and was included within the SHLAA² published in March 2013 and updated in November 2013. The appeal scheme received a resolution to grant outline permission subject to the completion of a satisfactory Section 106 Agreement in March 2014 and was subsequently referred to in the SHLAA findings reports prepared in December 2014 and April 2015. The SHLAA was a key part of the evidence base for the CS and the site has been included as forming part of the Council's housing trajectory since March 2014, where it is identified as delivering 70 dwellings within the current 5 year supply period. The site was also identified in evidence provided to the CS Inspector in March 2014.
13. I also note that the Council have used the current scheme as evidence for a 5 year housing land supply in several recent planning appeals. The SHLAA findings report was updated in April 2015 and includes the following statement in relation to the appeal site: *an outline application (made by the landowner) was refused (against officer advice) for 70 dwellings on land south of Temple Inn Lane in August 2014. This decision has been appealed. Even if the appeal is dismissed a smaller scheme of nearer 50 dwellings would also most certainly be submitted. The Placemaking Plan Option consultation sets out a preferred strategy of achieving 50 dwellings either side of Temple Inn Land (sic) rather than wholly on one side. The traffic impact on the A37 junction of a split development would be the same as for a single development*.
14. Whilst the appeal site is outside of the village boundary therefore, the CS specifically allows for development boundaries to be reviewed as part of the emerging Placemaking Plan. The appeal site is also included within the Placemaking Plan and has been used to justify the Council's 5 year housing land supply, in particular the 1,120 rural houses. I acknowledge that the Placemaking Plan is in its early stages and that therefore in accordance with paragraph 216 of the National Planning Policy Framework (the Framework) it can be afforded only limited weight. I also acknowledge that it is not inevitable

¹ Diagram 4 of the CS

² Strategic Housing Land Availability Assessment

- that the development boundary in Temple Cloud will change as a result of the review. Nonetheless, from the foregoing it would seem that there is no in-principle objection to the appeal site by virtue of its location, a position that the Council seem to have accepted both before and after the refusal of planning permission.
15. Whilst the site is therefore outside of the current development plan boundary, taking into account the above factors, on the balance of probability the boundary is likely to change to accommodate development on the appeal site.
 16. I acknowledge that between the resolution to grant and the subsequent refusal the CS was adopted and a 5 year housing land supply was established. However, I have already considered the proposed development against the CS and have noted that it has been used to actually justify the 5 year housing land supply. It follows that the adoption of the CS and the establishment of the 5 year housing supply are not matters that have negatively influenced the likely impact of the proposed development in policy terms.
 17. Reason for Refusal 1 states that *the proposal would significantly exceed the scale of growth to be accommodated in Temple Cloud*. However, in their evidence the Council specifically stated that this is incorrect and that *the proposed quantum would not undermine the Core Strategy*, and that *the expected allocation of around 50 dwellings should not be interpreted as a cap or maximum limit/ceiling to development in the settlement* (Council's underlining). The Council's final settled position is therefore, that it is content with the scale of the proposed development in the context of the development plan policy applicable to the village, and I have been given no evidence that would lead me to a contrary view.
 18. The Council go on to state in their evidence for the appeal that what is in fact in dispute is the consideration of harm associated with the proposal in terms of highway safety grounds. I will address this in due course. However, the Council's evidence also refers to their contention that approval of the proposal would *undermine and dilute the plan-led approach to planning*. This was not indicated within either of the Reasons for Refusal and at the Inquiry the Council were at pains to make clear that they did not consider this to be a prematurity objection but that permitting the scheme at this stage would be to disempower local people from influencing the Placemaking Plan, thereby prejudicing the plan making process.
 19. To my mind, to all intents and purposes, this is a prematurity argument. As regards the involvement of local people, they were involved in the Inquiry and were given the opportunity to present their case, conceivably to a greater and more focussed extent than they would be able to at a development plan examination. As regards the plan making process, *The Planning System: General Principles* makes clear that it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. However, it goes on to state that *this may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale location of phasing of new development which are being addressed in the*

policy in the DPD. Having in mind the matters outlined above concerning the substance of the emerging placemaking plan, this is not the case here.

20. At the Inquiry the Council opined that taking into account paragraph 14 of the Framework, the identified locational conflict with policy RA.1 indicates that the proposed scheme should be considered to be unsustainable. However, whilst the proposed scheme would be outside of the existing development boundary, the village of Temple Cloud complies with the first two caveats of policy RA.1 which both refer to sustainability issues. As the site abuts the existing development boundary I consider that, in locational terms, the site can therefore be considered to be sustainable.

Highway safety

21. The Council's second Reason for Refusal alleges, amongst other things, that the visibility splays available when leaving Temple Inn Lane are substandard. I will deal with this allegation first.
22. The A37 is a busy strategic road, although not classified as a trunk road, with an average daily two way flow of about 11,000 vehicles. If it were a trunk road then the geometric design standards required would originate in the document *Design Manual for Roads and Bridges (DMRB)*. These standards are generally higher than those appearing in *Manual for Streets (MfS)* which apply to lesser category roads. The Council, whilst acknowledging that the A37 is not a trunk road have however made a case that the DMRB standards could apply in this case, and I will investigate this possibility.
23. Paragraph 1.5 of the introduction to the DMRB makes clear that the DMRB sets a standard of good practice that has been developed principally for Trunk Roads. It goes on to say that it may also be applicable in part to other roads with similar characteristics. MfS makes clear that *where a single carriageway street with on-street parking and direct frontage access is subject to a 40mph speed limit, its place characteristics are more of a residential street or high street, with higher traffic flows, and may result in actual speeds below the limit. It is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for SSD³ are recommended.*
24. The A37 at Temple Cloud is subject to a 30mph speed limit, has on-street parking and direct frontage access. The actual average speeds have been measured as about 28mph in both directions. In light of the advice given in both MfS and DMRB, and notwithstanding that the 'development and design principles' outlined in the Placemaking Plan for site SR23 in Temple Cloud make clear that 90m splays would be required for that site's access onto the A37, I nonetheless consider that the stopping sight distances (visibility splays), being compliant with MfS, are satisfactory.
25. Reason for Refusal 2 also mentions congestion problems on the A37. In this respect I have been provided with a table⁴ that gives the summarised output from a programme called Picady. This gives the ratio of flow to capacity of the A37 and Temple Inn Lane as well as the delays and queues that currently arise and that would arise if the proposed development went ahead. Picady is an industry standard modelling tool and I have been provided with no other

³ Stopping sight distance

⁴ EB/MB/6C

- evidence of the operation of the junction other than anecdotal. The actual trips likely to be generated by the proposed development are agreed by the two main parties and I have been given no evidence that would lead me to consider that other figures would be more suitable.
26. Whilst the A37 appears relatively busy its maximum ratio of flow to capacity according to the Picady output would be 51%⁵, with a maximum decrease of only 8% due to the proposed development. I acknowledge that the extra turning movements would be above the 5% generally accepted as being material. Notwithstanding this however, the road is not at anywhere near total effective capacity, and cannot therefore be considered to be congested. The extra delays in exiting Temple Inn Lane due to the presence of the proposed development would at the greatest be 2 seconds whilst the increase in queue length would be only one extra vehicle on the A37 arriving from the south.
27. Whilst the Picady output shows that the A37 is not congested and that the proposed development would have marginal impact in terms of queue length and delays, evidence was produced that demonstrates that the junction is not geometrically ideal for the turning movements of HGVs. These have to enter opposing lanes to successfully negotiate the junction, which can cause congestion if other drivers do not fully appreciate the situation. The HGVs are also prone to riding up onto the footway, thus causing potential danger to pedestrians.
28. However, this is an existing situation and the proposed development would not produce a discernable number of HGVs other than in the construction phase. I accept that it would be likely to produce pedestrian and vehicular traffic through the junction but against this note that there has been only one recorded injury accident in the past five years. This involved a car hitting the rear of a motorbike and did not result from the geometry of the junction. Furthermore, the Unilateral Undertaking (UU) supplied by the appellant, which I will return to later, includes a sum of money to be used for a range of measures to promote safety at the junction. These potentially include the rationalisation of signage around the junction and the addition of interactive signs to further reduce speeds.
29. It follows that whilst I acknowledge the concerns of a large number of local residents, from the evidence before me (including video evidence from local residents) I do not consider that the appeal should fail on the issue of safety or of HGVs using the junction. In arriving at this conclusion I note that the Council, as highway authority, had no objection to the scheme subject to certain improvements that could be secured by a Section 106 Agreement.
30. I have also taken heed of the comment by an officer of Avon and Somerset Constabulary who commented that *any increase in volume and size of vehicles using this junction would greatly increase the risks to pedestrians and other road users and that vehicles supplying any proposed building sites from this junction would greatly increase the risk to pedestrians and other road users and has the potential to become a collision hotspot*. I note however that this comment was made in April 2013 since when there has been just the single incident described above. Overall the officer's comments are not supported by empirical evidence and do not lead me to an alternative conclusion.

⁵ At the PM peak

31. In light of the above and on the understanding that further safety measures will be implemented in line with those discussed at length with officers, I conclude that there would be no conflict with policies T.1(2) and T.24(1) of the Local Plan 2007. The former of these seeks to maximise the safety of all types of movement whilst the latter requires that development provides a high standard of highway safety. Nor would there be conflict with paragraph 32 of the Framework (second bullet point) which requires that a safe and suitable access to the site can be achieved for all people. I also note that the third bullet point of this paragraph states that development should only be prevented or refused on transport grounds where the residual cumulative impact would be severe. This is not the situation in this case.

Unilateral Undertaking

32. I have been supplied with a signed and dated Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990. Community Infrastructure Levy (CIL) regulation 122 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL if the obligation does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development. It is incumbent upon me to assess the offered provisions against regulation 122 of CIL, and I will deal with each provision in turn.

Affordable housing

33. Policy CP9 of the CS requires 30% affordable housing, whilst the UU makes provision for 33% affordable housing. The UU is however written in such a way that the 33% would be delivered even if I found the extra 3% to be unnecessary and therefore not in line with regulation 122. The amount of weight that can be attributed to the extra 3% is matter that I will return to in due course. The affordable housing contribution does however comply with the tests outlined in regulation 122 and can therefore be taken into account in this decision.

Highway works

34. The UU includes a contribution of £85,000 towards highway works. These are described as *the cost of speed restraint and safety schemes (including vehicle activated signs) on the A37 to improve the operation of the Temple Inn Lane junction and on Temple Lane in the vicinity of the site access and also the rationalisation of signage at the junction of Temple Inn Lane with the A37.*

35. This contribution comes about following protracted negotiations between the appellant and Council officers. Originally a signalised junction was suggested by the appellant but the Council considered that whilst this might resolve the safety problems at the junction it might also give rise to unacceptable delays for traffic using the A37. The officer's report to committee on 5 March 2014 mentioned this offer and went on to state that *highways officers have instead suggested that contributions are provided to fund the installation of vehicular activated signs, a keep clear yellow box around the Temple Inn Lane junction and other road safety measures.* The report went on to say that *contributions of £10,000 are also sought to rationalise the signage immediately to the south of Temple Inn Lane junction.* The outcome of the committee meeting was that

the proposed development was given a resolution to grant subject to a satisfactory Section 106 agreement being submitted.

36. Following the adoption of the CS a further officer's report went to committee on 27 August 2014. No further mention was made of the highway safety aspects but as the report recommended permitting the proposed development, one of the conditions appended to the report stated that the Planning and Environmental Law manager should be authorised to secure a Section 106 Agreement that, amongst other things, secured *£75,000 towards the cost of speed restraint measures and safety schemes (including vehicle activated signs) on the A37.*
37. However, the Council's evidence to the Inquiry stated that in *absence of any suitable mitigation at the Temple Inn Lane /A37 junction to reduce collision risk the development fails to comply with paragraph 32 of the Framework.* The Council also intimated, during the Inquiry, that the lack of an agreed scheme meant that the UU did not comply with regulation 122.
38. Whilst I have found that the proposed development would not cause significant harm in respect of highway safety that conclusion was based on the fact that mitigation would take place. I therefore consider safety improvements to be necessary. Furthermore, whilst the appellant has not directly proposed a scheme or supplied drawings showing such, the lengthy negotiations between the appellant and Council produced suggestions that were accepted by the Council's highway officers and the resulting costings were accepted by both parties. In light of this and any significant evidence to the contrary I consider the highway contributions to be in accordance with regulation 122.

On-site open space

39. There is no dispute between the parties that the provision and maintenance of on-site open space is a necessary part of the development. I have been given no reason to arrive at a different conclusion and therefore the open space provision complies with Regulation 122.

Public rights of way

40. The UU provides for a contribution of £25,000 towards the cost of the Council providing and/or upgrading public rights or way around/within the site. This could be for providing a direct link between the site and Meadway or upgrading existing public rights of way to the south-east of the site. Both routes would facilitate access to the local primary school.
41. In terms of the UU and Regulation 122 the question that has to be asked is whether or not the proposed route would be necessary. The appellant considers that it would not. MfS states that *walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m).* The Institute of Highways and Transportation (IHT) have also issued guidelines in relation to journeys on foot and these indicate that for schools the desirable is 500m and the acceptable is 1000m.
42. There would already be a pedestrian route available from the proposed development to the school that would not involve crossing an existing road (until the school is reached). Although the proposal was in outline, an indicative layout shows that the maximum walk from the development to the school would be within the 800m advocated within MfS, and consequently

within the distance considered acceptable by IHT. It follows that the suggested link would not be necessary and that therefore I cannot take this contribution into account in this decision.

43. Notwithstanding this, whilst the appellants consider that the proposed direct link would not be necessary in terms of Regulation 122, they nonetheless consider that it would be desirable to provide the route for the benefit of future occupiers of the proposed development. The UU is therefore written in such a way that the contribution will be provided irrespective of my decision regarding its necessity.

Protection of the north boundary hedgerow

44. Finally, the UU provides for the protection of the hedgerow bordering the north of the site by requiring the appellant not to transfer any plot adjacent or abutting the hedgerow without covenants that would ensure that the hedgerow is maintained to a suitable height and standard. There is no objection from the appellant to this stipulation and I consider that it is necessary for ecological reasons. It therefore complies with regulation 122 and can be taken into account in this decision.

Balancing exercise

45. I have found that the appeal site is outside of the current development boundary, and that therefore conflict exists with policy RA.1.
46. However, that boundary is historical, in that it remains from the previous LP, and the CS specifically makes provision for a potential change to that boundary. I have also found that taking into account the planning history of this scheme, the Council's housing requirement and trajectory as well as documents such as SHLAAs, on the balance of probability the development boundary would change to accommodate a housing scheme on the appeal site. Furthermore, no other harm has been identified.
47. I have also found that the proposed scheme would be in a sustainable location. Also, it would have a positive economic effect in terms of direct and indirect employment and resident expenditure within the area. It would result in the establishment of market homes and much needed affordable homes (although I give little weight to the extra 3%). It follows that the scheme can be considered sustainable in terms of the three dimensions given in paragraph 7 of the Framework. Paragraph 14 of the Framework indicates that in such circumstances development should be approved without delay where it accords with the development plan.
48. Whilst I have identified conflict with policy RA.1 of the development plan, I nonetheless consider that in this particular case, the material considerations identified above are such that they outweigh that conflict.

Conditions

49. The conditions set out in the accompanying schedule are based on those given in the Statement of Common Ground and discussed at the Inquiry. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance.

50. To prevent harm to wildlife I have imposed three conditions. The first requires that the development is carried out in accordance with the recommendations of the approved Ecological Survey, the second requires the submission of a Wildlife Protection and Management Scheme, and the third requires details to be submitted of a natural hedgerow arch that would span the new entrance to Meadway. As the site could contain archaeological remains I have imposed a series of conditions that will ensure that a scheme of archaeological investigation is carried out.
51. To prevent any increased risk of flooding I have imposed conditions requiring the implementation of a sustainable drainage system and also details of the on-going maintenance of the underground storage tanks. A series of conditions have also been imposed that would ensure that the road network within the development is laid out and constructed to suitable standards and also that it is phased to ensure parking and access to houses as they are built.
52. In the interests of sustainability I have imposed conditions requiring the submission of a travel plan and the provision of resident's welcome packs giving details of public transport and ideas for sustainable travel. To ensure the safe operation of the highway during the construction process I have imposed a condition requiring the submission of a Construction Method Statement, and to ensure that the development benefits local employment opportunities I have imposed a condition requiring the implementation of a Local Employment and Training Scheme.
53. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.

Conclusion

54. In light of my above reasoning and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Wilde

INSPECTOR

Schedule of conditions

- 1) The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
- 2) Approval of the details of the (a) layout, (b) scale, (c) appearance, and (e) landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority before any development is commenced.
- 3) The development hereby permitted shall be carried out only in accordance with the recommendations of the approved Ecological Survey dated August 2013 and the approved note entitled Protection of Hedgerow on North Eastern Boundary dated 26 November 2013. For the avoidance of doubt, prior to the commencement of development a plan shall be submitted plotting the alignment of the hit and miss fence in relation to the hedgerow and northern site boundary. The fence shall be erected in accordance with this plan prior to the first occupation of any part of the development, and shall thereafter be retained.
- 4) No development shall take place until full details of a Wildlife Protection and Management Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) Findings of all necessary update surveys including update survey for badgers
 - ii) Outstanding details of all necessary ecological mitigation including exclusion zones for the protection of retained habitats and fencing specifications for exclusion zones
 - iii) Details of all proposed external lighting including lux level contour plans demonstrating retention of dark corridors for wildlife and light spill of zero lux onto wildlife habitat and no greater than 1 lux on adjacent vegetation
 - (iv) Specifications and planting schedule for all proposed habitat creation and specifications for long term wildlife-friendly management of all retained and created habitat areas
 - (v) Additional information as applicable for all other ecological measures and details to be shown on plans and drawings as applicable

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the first occupation of any part of the development.
- 5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority. The programme of archaeological work should provide a field evaluation of the site to determine date, extent, and significance of any archaeological deposits or features, and shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.

- 6) No development shall take place until the applicant, or their agents or successors in title, has presented the results of the archaeological field evaluation to the local planning authority, and has secured the implementation of a subsequent programme of archaeological work in accordance with a written scheme of investigation which has first been agreed and approved in writing by the local planning authority. The agreed programme of archaeological work shall be carried out by a competent person and completed in accordance with the approved written scheme of investigation.
- 7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the local planning authority.
- 8) No development shall take place until details of the on-going maintenance of the underground rainwater storage tanks, including the body responsible for maintenance and a maintenance schedule have been submitted to and approved in writing by the local planning authority prior to construction. Thereafter maintenance shall be carried out in accordance with the agreed details.
- 9) No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 1. a timetable for its implementation, and
 2. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 10) No development shall take place until a local employment and training scheme identifying measures to recruit local people during the construction process, together with an associated skills and training programme, has been submitted to and approved in writing by the local planning authority. The approved scheme shall then be implemented and maintained unless otherwise agreed in writing by the local planning authority.
- 11) No development shall take place until details of the natural hedgerow arch or similar structure to be constructed over the breach in the north-east site boundary hedge have been submitted to and approved in writing by the local planning authority. The hedgerow arch or similar structure shall be completed prior to the first occupation of the development and thereafter maintained in line with the hedgerow mitigation report dated 28th October 2013.

- 12) The proposed estate roads, footways, footpaths, verges, 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 submitted to and approved in writing by the local planning authority before their construction begins. The submitted details shall include plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction.
- 13) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.
- 14) No part of the development hereby permitted shall be occupied until parking has been provided to serve that part of the development, in accordance with details submitted to and approved in writing by the local planning authority.
- 15) Before the dwellings are first occupied, new resident's welcome packs shall be issued to purchasers. These should include details of bus and train timetable information, giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Smarter publication, car share and car club information together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall previously have been approved in writing by the local planning authority.
- 16) Prior to the occupation of the first dwelling a Travel Plan shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be operated in accordance with that Travel Plan.
- 17) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of deliveries (including storage arrangements and timings), contractor parking and traffic management. Development shall be undertaken in accordance with the approved CMP.
- 18) The development hereby permitted shall be carried out in accordance with the following approved plans: 13000/1001A Location Plan, 13130/3200C Illustrative Masterplan (revised), 13130/2100 Site Sections, 12001/200 A Site Access Plan (revised).

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Christiaan Zwart

He called

Mr Duncan Laird

Mr Damian Barry

Both of Ove Arup and Partners Ltd

FOR THE APPELLANT:

Mr Christopher Boyle QC

He called

Mr Mark Baker

Mr Tony Clements

Mark Baker Consulting Ltd

GL Hearn Ltd

INTERESTED PERSONS:

Maria Musins

William Chard

Tony Hooper

On behalf of Cameley Parish Council

Adjacent land owner

On behalf of Councillor Tim Warren

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Unilateral Undertaking.
2. Rebuttal Housing Statement by the Council.
3. Rebuttal Planning Statement by the Council.
4. Rebuttal Transport Statement by the Council (Picady).
5. Rebuttal transport Statement by the Council.
6. Revised Picady Assessment and Table EB/MB/6B.
7. Extract from Highways Act 1980 Paragraph 26.
8. Series of emails between the appellant and the Council.
9. Opening statement by the Council, including 20 appendices.
10. Statement on behalf of Cameley Parish Council.
11. Statement by William Chard.
12. Agreed Statement on Transport Matters.
13. Table EB/MB/6C.
14. Representation by Councillor Tim Warren.
15. Extract from Design Manual for Roads and Bridges.
16. IHT Road Safety Audit.
17. Memorandum from Avon and Somerset Constabulary.
18. Closing note on behalf of the Council.
19. Closing submissions on behalf of the appellant.

20. Costs application on behalf of the appellant.
21. Extract from the Planning Practice Guidance relating to costs applications.

CORE DOCUMENTS

1. Decision Notice, 11th September 2014.
2. Bath & NE Somerset Local Plan 2007 – extracts.
3. Bath & NE Somerset Settlement Classification Report 2009.
4. Bath & NE Somerset Draft LDF Core Strategy December 2010 – extracts.
5. Core Strategy Examination - Inspector's Report (June 2014).
6. Bath & NE Somerset LDF Core Strategy, Adopted July 2014.
7. Bath & NE Somerset (emerging) Placemaking Plan DPD (Options Document, November 2014) – extracts.
8. National Planning Policy Framework (NPPF).
9. Planning Practice Guidance (PPG) – extracts.
10. Officers Report to DC Committee – 5 March 2014 + Minutes.
11. Officers Report to DC Committee – 27 August 2014 + Minutes.
12. Officer Update Report 12 February 2014.
13. Officer Update Report 10 March 2014.
14. Strategic Housing Land Availability Assessment (SHLAA) (November 2013) – extracts.
15. Bath & NE Somerset SHLAA Findings Report – December 2014.
16. SHLAA Housing Trajectory 2011 - 2029 (December 2014).
17. Bath & NE Somerset SHLAA Findings Report – April 2015.
18. SHLAA Housing Trajectory 2011 - 2029 (April 2015).
19. The Planning System: General Principles.
20. Manual for Streets – extracts.
21. Manual for Streets 2 – extracts.
22. DfT "Guidelines for Traffic impact Assessment" – extracts.
23. IHT "Guidelines for Providing Journeys on Foot" – extracts.
24. All application documents and plans and 3rd party representations.
25. BANES CIL Regulation 123 List.
26. BANES CIL Adopted Charging Schedule.