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# Appeal Decision

Site visit made on 15 March 2016

**by Michael Boniface MSc MRTPI**

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

**Decision date: 24 March 2016**

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**Appeal Ref: APP/Y3940/W/15/3141340**

**Land to the North of Holt Road and Cemetery Lane, Bradford on Avon, Wiltshire**

- 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 Spitfire Homes Ltd against the decision of Wiltshire Council.
  - The application Ref 14/07689/OUT, dated 8 August 2014, was refused by notice dated 23 September 2015.
  - The development proposed is the erection of up to 60 dwellings (including affordable housing), up to 3000sqm of B1 employment floor space, informal and formal public open space, allotments, access, drainage, landscaping, engineering (ground levelling) and other associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 60 dwellings (including affordable housing), up to 3000sqm of B1 employment floor space, informal and formal public open space, allotments, access, drainage, landscaping, engineering (ground levelling) and other associated works at Land to the North of Holt Road and Cemetery Lane, Bradford on Avon, Wiltshire in accordance with the terms of the application, Ref 14/07689/OUT, dated 8 August 2014, subject to the conditions contained in the attached Schedule.

## Preliminary Matters

2. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have determined the appeal on this basis.
3. It is common ground between the parties that the Council cannot currently demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). Under these circumstances, relevant policies for the supply of housing should not be considered up to date<sup>1</sup> and housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a

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<sup>1</sup> Paragraph 49 of the Framework

whole; or specific policies of the Framework indicate development should be restricted<sup>2</sup>. I have considered the appeal on this basis.

### **Main Issue**

4. The main issue is whether the development would accord with the delivery strategy set out within the development plan.

### **Reasons**

5. Core Policy 1 of the Wiltshire Core Strategy (CS) (January 2015) sets out the settlement strategy for the area, directing most new development to the most sustainable locations within the district. Core Policy 7 reaffirms that development in the Bradford on Avon Community Area should be in accordance with this strategy. Bradford on Avon is defined as a Market Town, the second tier within the strategy, which is said to have the ability to support sustainable patterns of living through its current levels of facilities, services and employment opportunities.
6. Core Policy 2 of the CS sets out a delivery strategy for the 42,000 homes to be delivered during the plan period and indicates provision of 595 dwellings at Bradford on Avon. Whilst strategic allocations are made within the CS, other housing sites are to be allocated through a Site Allocations Development Plan Document (DPD). The site is located outside of the settlement boundary for the town where the policy is clear that proposals will not be permitted, except in specified circumstances, none of which apply to the residential element of the appeal proposal. The limits of development may only be altered through the Site Allocations DPD and Neighbourhood Plans, both of which are at the early stages of production and carry little weight at this time.
7. The appeal proposal would be in conflict with Core Policy 2. Whilst this is so, the Council accept that this is a relevant policy for the supply of housing, specifically seeking to restrict housing development. As such, the policy must be considered out of date for the reasons set out above and it is necessary to balance other considerations against this conflict with the development plan.
8. The site is located outside the settlement boundary for the town but close to it. It also stands adjacent to a strategic allocation site which has been granted planning permission for 138 dwellings and 1.1ha of employment provision, which was under construction at the time of my visit. The Council's Housing Land Supply Statement for 2015, which will be used to inform the emerging Site Allocations DPD, identifies an indicative requirement for an additional 64 dwellings in Bradford on Avon.
9. In light of this recognised need, the lack of a deliverable five year housing land supply and in the context of the Framework's objective to boost significantly the supply of housing, the contribution that would be made by this development attracts significant weight. There is also an identified need for affordable housing in the locality and 40% of the proposed dwellings would be secured for this purpose. I attach this matter significant weight.
10. This is particularly so given that the Site Allocations DPD has been delayed and may be some way off adoption. Sustainable development, for which there is a need, should not be delayed by the plan making process. The Council suggest

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<sup>2</sup> Paragraph 14 of the Framework

that time should be allowed to establish the effects of development already permitted on the town but this would result in an unacceptable delay in the provision of necessary housing, in conflict with the above objectives.

Furthermore, given the support within the CS for development at Bradford on Avon I do not consider the proposal would undermine the plan making process, nor should it affect public confidence in the system.

11. There are a number of other potential benefits arising from the proposed development identified by the appellant. These include the provision of new public open space, the potential for an improved gateway to the town (subject to design at Reserved Matters stage), ecological enhancement in line with the measures set out in the submitted Ecological Appraisal Review and Protected Species Report (5 August 2014) and economic benefits such as the New Homes Bonus that would be paid to the Council. These matters also weigh in favour of the development.
12. The Council do not raise an objection to the proposed employment provision, noting that the CS specifically seeks such provision to rebalance the level of housing and employment in the area and reduce out commuting. Core Policy 34 of the CS is generally supportive of employment provision including, when outside a Market Town, where it would be adjacent to the settlement and seek to retain or expand businesses currently located within or adjacent to the settlement. The appellant provides details of an agreement with Anthony Best Dynamics (ABD) to take on the employment space as part of the ongoing expansion of the business in the town. The Council consider the proposal to accord with this policy and I have no reason to take a different view. The resulting stimulus to economic development is a matter that weighs in favour of the proposal.
13. I have had regard to concerns that the development would harm the character and appearance of the area. Clearly development of a site that is currently undeveloped countryside will significantly alter its appearance but the site is well located in relation to the existing built form of the settlement, including the adjacent strategic allocation site. Some Greenfield sites will need to be developed to meet the areas housing needs and the Council have identified no physical features of other merit which elevates the site above that of any other land on the edge of the settlement. The Council's Urban Design Officer notes the potential benefits of the scheme in improving the gateway into the town and I see no reason why this could not be achieved at the Reserved Matters stage. On this basis, I attach the harm to the character of the area very limited weight.
14. I note that the area is a destination for tourism but that does not alter my conclusions in other respects, particularly with regard to the need for housing. There is no evidence before me to suggest that tourism would be harmed by the proposed development.
15. An Air Quality Management Area (AQMA) is in place in the town. It is recognised by both parties that the development would be likely to increase car journeys and congestion to and within the town. This will inevitably increase pollution but the increase in traffic would be modest according to the submitted Transport Assessment (July 2014) and the growth is anticipated within the CS. The Council collects money through its Community Infrastructure Levy (CIL)

- charge to mitigate the impacts of development on air quality and overall, this matter would have only limited impact.
16. The site is sustainably located on the edge of the town with good access to its services and facilities, as well as public transport. A site specific Travel Plan is also proposed to promote sustainable modes of travel. There is no reason to believe that future occupants would become reliant on the use of private cars, or that the small increase in car journeys anticipated would adversely impact on highway safety or capacity. There are a number of highway improvements proposed as part of the development which the Council accept will mitigate the impact of the development. I concur with this view.
  17. The site is agricultural land classified as grade 3a, representing Best and Most Versatile Land (BMVL). Paragraph 112 of the Framework requires that the economic and other benefits of such land be taken into account before significant development of agricultural land is allowed. Poorer quality land should be used in preference to higher quality. It is common ground between the parties that the development would not be significant in this context. Nevertheless, the loss of BMVL is a negative factor of limited weight that must be weighed in the balance.
  18. The Council conclude that the development would have no adverse impact on heritage assets and I have no reason to disagree. This is subject to the imposition of a condition requiring an archaeological watching brief.
  19. The site is located in Flood Zone 1 (lowest risk) as defined by the Environment Agency and a detailed Flood Risk Assessment and Drainage report (July 2014) accompanies the application, concluding that the development will not be at risk of flooding or cause flooding elsewhere. Furthermore, appropriate drainage techniques can be employed, including potential for the use of Sustainable urban Drainages Systems (SuDS).
  20. As set out above, there is a range of ecological enhancement expected to arise from the development and no significant harm has been identified, subject to appropriate mitigation being secured by condition.

### **Other matters**

21. The site is split into two parts, intersected by Cemetery Lane. The proposed housing and employment would be located to the south of Cemetery Lane and outside of the Green Belt. The remaining part of the site falls within the Green Belt. This part of the development is said to involve public open space, land re-contouring for SuDS, ecological enhancements and allotments.
22. The Council accept that these works are not inappropriate development for the purposes of the Framework, being exempt under paragraphs 89 and 90 as provision of appropriate facilities for outdoor sport and recreation that would preserve the openness of the Green Belt and would not conflict with its purposes, as well as engineering operations. The application is submitted in outline form with all matters reserved except access and so detailed consideration is not possible at this stage. However, I see no reason why such facilities could not be provided without harm to the openness or purposes of the Green Belt. Therefore, I have no reason to take a different view to the Council. Any proposed buildings would be a matter for consideration at the

Reserved Matters stage when considering the wider layout of the two parts of the site.

23. The site is located within the consultation zone of the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The Council has undertaken a Habitat Regulations Assessment (2 September 2015) and this has been endorsed by Natural England<sup>3</sup>. This concludes that the development would not have a significant adverse effect on the SAC, either alone or in combination with other development, subject to appropriate conditions and planning obligations to mitigate its effects. I concur with the conclusions of the assessment and adopt this position.

#### *Planning Obligations and CIL*

24. A number of concerns have been raised regarding the impact of the development on local infrastructure. The Council has adopted a CIL Tariff in order to facilitate a strategic approach to infrastructure improvement and mitigation necessitated by development in its area. This would be payable by the developer in respect of the appeal proposal.
25. In addition, a Unilateral Undertaking has been submitted to deal with site specific obligations necessary as a result of the development. This includes the provision of 40% affordable housing; off-site highway works to facilitate safe access to the site; and the provision of open space and appropriate management. The Undertaking also sets out the requirement for the employment land to be transferred to Anthony Best Dynamics in accordance with the discussion above. All of these obligations are directly related to and necessary as a result of the development proposed. I am satisfied that they accord with the tests of paragraph 204 of the Framework. I have, therefore, taken them into account in reaching my decision.
26. The Council is satisfied that the CIL receipts and individual planning obligations, taken together, would mitigate the impact of the development on local infrastructure. I have seen no evidence that leads me to disagree.

#### **Conclusion and Conditions**

27. Although the development would be in conflict with Core Policy 2 of the CS, I have found this policy to be out of date. Having considered the range of social, economic and environmental benefits arising from the scheme I am satisfied that these outweigh the conflict with the development plan in this instance. Furthermore, the proposal constitutes sustainable development for the purposes of the Framework. Although some negative impacts would result, they would not be so harmful as to significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
28. In light of the above, and having considered all other matters, the appeal is allowed.
29. The Council have proposed a number of conditions in the event that planning permission is granted. These are contained within the Statement of Common Ground and the appellant has not raised any objection to them.

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<sup>3</sup> Letter dated 25 August 2015

30. I have attached the standard conditions for outline planning permission relating to the reserved matters and commencement of development. It is also necessary to specify the approved plans in the interests of clarity and proper planning.
31. I have not found it necessary to secure details or samples of the proposed external materials or boundary treatments and means of enclosure as these would be more appropriately dealt with as part of the reserved matters.
32. A scheme of phasing is required to ensure that off-site highway works are carried out at the appropriate point, to minimise disruption and to allow for ecological mitigation during development. However, it is not necessary to refer specifically to landscaping given that this is a reserved matter. This is also the case for any landscape retention requirements, which would be better considered along with the detailed landscaping proposals and is not necessary to make the development acceptable at this stage.
33. A Landscape and Ecological Management Plan is necessary however, to ensure that ecology is considered at an early stage and measures are designed into the detailed scheme proposals. A Construction Environmental Management Plan is necessary for the same reason. Conditions 8-11 deal with external lighting, hedgerow works and bat impact mitigation and these are all necessary for ecological reasons, particularly having regard to the SAC.
34. Details of the proposed foul and surface water drainage scheme are required to avoid flooding and ensure that the site is suitably drained. Any storage of oils, fuels or chemicals must be suitably protected to avoid water pollution. A scheme of contamination investigation and, if necessary, remediation is necessary given the previous use of the site and the sensitive residential use proposed.
35. It is necessary to restrict noise levels on the site and the permissible hours of construction and deliveries so as to protect neighbours' living conditions, noting their close proximity to the site. It is necessary to secure the provision of the internal roadways and footpaths, along with turning and parking facilities to ensure appropriate access and highway safety. Cycle storage and changing facilities must be provided at the employment premises and a Travel Plan is to be secured for both the employment and residential elements of the scheme to promote sustainable modes of travel. A Construction Traffic Management Plan is needed to minimise the impact of the development of nearby residents.
36. Conditions are proposed in relation to energy efficiency and sustainable construction, referring to the Code for Sustainable Homes and BREEAM. These certifications have since been replaced by the National Technical Standards and I do not consider that a condition referring to them would be sufficiently enforceable so as to meet the tests for conditions set out in Planning Practice Guidance (PPG). This is notwithstanding reference made in another recent appeal decision<sup>4</sup>. Whilst this is so, and mindful of Policy CP41 of the CS, a scheme of measures should be submitted for approval in the interests of sustainable development and to reduce energy wastage.
37. Waste minimisation and management plans are required in the interests of sustainable development. Finally, an archaeological mitigation condition is

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<sup>4</sup> APP/Y3940/W/15/3124783

necessary to ensure that any unexpected remains of heritage interest are identified.

38. I have altered the wording of the proposed conditions as necessary to improve their precision and ensure compliance with PPG.

*Michael Boniface*

INSPECTOR

## Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 101 and 016 Rev.B.
- 5) No development shall commence on site until a programme of phasing for the development (including off-site highway improvement works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Before any development takes place, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but not necessarily be limited to, the following information:
  - a) Full specification of habitats to be created and enhanced, including locally native species of local provenance and locally characteristic species, and other biodiversity enhancements including the installation of a wide range of different types of bat and bird boxes, creation of log piles and hibernacula for reptiles and amphibians;
  - b) Description and evaluation of features to be managed; including locations shown on a site map;
  - c) Landscape and ecological trends and constraints on site that might influence management;
  - d) Aims and objectives of management;
  - e) Appropriate management options for achieving aims and objectives, including the consideration of livestock grazing as a management tool for the Public Open Space (POS) in the northern part of the site;
  - f) A simple summary annual work programme (e.g. a spreadsheet);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures, including, but not limited to, the monitoring of bat commuting routes across Holt Road along the double tree-line wildlife corridor to Cemetery Lane and the POS to the north annually for 5 years following completion;
  - i) Timeframe for reviewing the plan;
  - j) Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development; and

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the



developer with the management body or bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

- 7) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'biodiversity protection zones', including retained trees and hedgerows, and bat mitigation features, particularly for the bat crossing points over Holt Road;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including tree and hedgerow protection; a precautionary approach to vegetation and site clearance to take account of the likely presence of reptiles, amphibians, hedgehogs and roosting bats (a re-inspection and dawn survey of trees with potential for roosting bats before felling); a check for nesting birds and a resurvey of the site for new badger setts; measures to minimise impact to foraging badgers;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of the Ecological Clerk of Works (ECoW);
  - h) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works, particularly of the bat mitigation features for the bat crossing points over Holt Road and identified retained commuting routes; and
  - j) Dust suppression measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. A report prepared by the Ecological Clerk of Works certifying that the required mitigation and compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of the Ecological Clerk of Works following that approval.

- 8) No development shall take place until an external lighting design strategy for biodiversity and amenity has been submitted to and approved in writing by the local planning authority. The strategy shall include but not necessarily be limited to:
- a) Identify those areas/features on site that are particularly sensitive for Greater and Lesser horseshoe bats and that are likely to cause disturbance along important commuting routes, including all hedgerows;
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications, including Lux plots), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, including all public, private domestic and private commercial external lighting, and including dark commuting routes for bats over Holt Road up to 10 metres either side of "Kingston Wood" (the woodland block to the south of Holt Road) where the majority of bat crossing points are located and along the 'Pedestrian/Cycle route and Wildlife Corridor' as shown on the General Arrangement drawing no.13189 (L) 005 Rev E dated 11.05.15;
  - c) Specify luminaires, heights and positions of fittings, direction and other features, e.g. cowls, louvres or baffles;
  - d) Details of how the strategy will achieve Environmental Zone Category E2 levels or less, complying with guidance issued by the Institute of Lighting Engineers;
  - e) Details of when street lighting will be turned off at night; and
  - f) Specific designs for the lighting of pedestrian crossings over Holt Road, along Cemetery Lane and along the 'Pedestrian/Cycle route and Wildlife Corridor', as mentioned above; and
  - g) Ensure effective implementation of the lighting strategy through the design of the site layout.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 9) Before any development, including off-site highway works, takes place, a 'Hedgerow Translocation and Semi-Mature Tree Planting Method Statement', including the use of live willow fencing during hedgerow establishment for a minimum of 2-years, Tree Pit details, 5-year hedgerow maintenance, the protection of retained mature tree T26 and the employment of an Ecological Clerk of Works to supervise the works, shall be submitted for the Holt Road highway improvement (road widening) for approval by the local planning authority. The approved method statement and all required remedial mitigation measures recommended by the ECoW shall be implemented in full.
- 10) Before any development takes place, and notwithstanding the submitted Bat Mitigation and Enhancements Plan drawing number eg15660.01B dated 2015, an amended Bat Mitigation and Enhancement Plan shall be submitted to the Local Planning Authority for approval. This shall include specific details of all required mitigation measures for bats associated with the development, including dark commuting corridors, a double tree-

line along the “dark commuting corridor for bats” shown in purple on the current plan (i.e. semi-mature trees planted on either side of the cycleway/footpath/road), semi-mature tree planting and habitat restoration, creation and enhancements. The approved plan shall be adhered to and used to inform the landscaping details for reserved matters.

- 11) No hedgerow or tree removal will be undertaken on the site until advanced planting works are completed in accordance the details to be approved by the local planning authority.
- 12) No development shall commence on site until the final scheme for the discharge of foul water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.
- 13) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
- 14) Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. The associated development shall not be first occupied until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.
- 15) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:
  - Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.
  - Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed

site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

- 16) All fixed plant and machinery shall be so sited and designed in order to achieve a Rating Level of - 5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.
- 17) The working hours during the construction phase shall be limited to:  
Monday - Friday: 0800 - 1800  
Saturdays: 0830 - 1300  
Sundays/Public Holidays: None
- 18) Vehicle deliveries during the construction phase shall be limited to:-  
Monday - Friday: 0800 - 1800  
Saturdays: 0900 - 1300  
Sundays/Public Holidays: None
- 19) Notwithstanding the details submitted, no development shall commence on each phase of the site until details of the estate roads, footways, footpaths, 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, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, 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 that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.
- 20) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

- 21) The employment development hereby approved shall not be first brought into use until that part of the service road which provides access to it has been constructed, and all parking and manoeuvring spaces have been completed in accordance with any relevant reserved matters approved plans. The parking and manoeuvring spaces shall only be used for the purpose of parking and manoeuvring at all times.
- 22) No employment development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. The spaces, and changing and showering facilities, shall be made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.
- 23) No building shall be occupied on the respective parts of the site (employment/residential) until a Green Travel Plan for the respective part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The Employment Travel Plan shall identify measures that are disincentives for employee travel as single car occupants. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The travel plans shall each have a minimum period of operation of 6 years from the date of first occupation of the respective land uses.
- 24) Before the development hereby permitted is commenced, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The Plan shall identify what routes are to be used by construction lorries and vans to serve the site, how the construction traffic will avoid adding to congestion in Bradford on Avon and Holt, what arrangements will be put in place to ensure exiting lorries and vans do not cause mud and other deleterious materials being deposited on the local roads.
- 25) No development shall take place until a scheme of energy efficiency measures and sustainable construction techniques for both the residential and commercial elements of the scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 26) No development shall commence on the residential development until a Residential Waste Minimisation and Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Residential Waste Minimisation and Waste Management Plan shall include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of re-cycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Residential Waste Management Plan.
- 27) No development shall commence on the employment development until a Employment Waste Minimisation and Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment Waste Minimisation and Waste Management Plan shall

include details of the volume and type of waste to be generated; re-use of materials and proposals for on and off site recycling; storage of recycling and waste collection facilities; proposals for and implementation of waste reduction; and proposals for the review and updating of the Employment Waste Management Plan.

- 28) No development shall commence until a scheme of archaeological mitigation including details of an Archaeological Watching Brief 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.