
Appeal Decision

Hearing held and site visit made on 4 October 2016

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 09 February 2017

Appeal Ref: APP/D0840/W/16/3142806

Land off Tregenna Lane, Camborne TR14 7QU

- 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 Merlion Capital Developments against the decision of Cornwall Council.
 - The application Ref PA15/01794, dated 24 February 2015, was refused by notice dated 25 August 2015.
 - The development proposed is an outline application for the construction of up to 94 residential dwellings (Use Class C3) and a residential care facility comprising up to 60 bedrooms (Use Class C2).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 94 residential dwellings (Use Class C3) and a residential care facility comprising up to 60 bedrooms (Use Class C2) at land off Tregenna Lane, Camborne TR14 7QU in accordance with the terms of the application Ref PA15/01794, dated 24 February 2015, subject to the conditions set out in Annex A.

Preliminary matters

2. The application was submitted in outline with access to be considered. The other matters of appearance, landscaping, layout and scale are reserved for future consideration. Although a site layout has been submitted, indicating how the site might be developed, I take this to be illustrative of future intent.
 3. At the hearing the Council submitted the Inspector's Report on the Cornwall Local Plan Strategic Policies, published on 23 September, and a draft Site Allocations DPD: Preferred Options Consultation, published 2 days before the hearing. After discussing the rest of the evidence I adjourned the hearing to allow the appellants additional time to make written submissions on these documents. I urged the parties to agree a statement of common ground during the adjournment and to clarify the matters in dispute, particularly in relation to the housing land supply position. Subsequently the Council confirmed that the Cornwall Local Plan 2010-2030 had been adopted. This represented a distinct change in planning circumstances so I asked the parties to comment on how this affected their respective cases. I have taken all these further written submissions into account.
 4. At the hearing the appellants made an application for costs against the Council. That application is the subject of a separate decision.
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Planning obligation

5. At the hearing the appellants submitted a unilateral undertaking as a planning obligation under s106 of the Act. This commits them, if the appeal is successful, to including an appropriate percentage of affordable dwellings and to making contributions as necessary towards open space provision and education facilities.

Main issues

6. Having considered all the evidence submitted I consider the main issues to be:
 - Whether the Council can demonstrate a 5 year supply of deliverable housing land and the consequent policy implications;
 - The effect of the proposal on the character and setting of local settlements; and
 - Whether the provisions of the unilateral undertaking are necessary to make the development acceptable in planning terms.

Policy background

7. At the time the application was determined, there was no up-to-date adopted development plan, the examination of the emerging development plan had been suspended and the Council acknowledged that it could not demonstrate a 5 year supply of housing land. This continued to be the position until just before the hearing. Since then there has been a significant change in planning circumstances. The Council's annual Monitoring Report of September 2016 concludes that, as at March 2016, there is a 5 year supply of deliverable housing sites (which the appellants dispute) and on 22 November 2016 the Cornwall Local Plan: Strategic Policies 2010-2030 (CLP) was adopted.
8. Relevant CLP policies include policy 2, which sets out the spatial policy intended to maintain the dispersed development pattern of Cornwall; Policy 2a seeks to provide homes in a proportional manner where they can best meet need and sustain the role and function of local communities; Policy 3 sets out the role and function of places, with the delivery of housing and other development managed through a Site Allocations DPD or Neighbourhood Plan; policy 8 relates to the provision of affordable housing; and policy 23 requires development proposals to sustain local distinctiveness and character and to protect Cornwall's natural environment.
9. The Cornwall Site Allocations DPD: Preferred options consultation September 2016 is at an early stage of the consultation process, and carries very limited weight.
10. The National Planning Policy Framework is an important material consideration, setting out the government's core planning principles and key objectives.

Reasons

11. The settlements of Camborne, Pool, Illogan and Redruth (together CPIR) form a continuous corridor of urban development which collectively represents Cornwall's largest conurbation. CPIR's prominence developed as a result of its mining activity and the area is now central to the outstanding universal value of the Cornish Mining World Heritage Site. Following the decline of the mining industry CPIR is a regeneration priority, with the aim of re-establishing it as Cornwall's economic powerhouse. CLP policy 2 confirms that strategic growth will be accommodated in the main towns and city, prioritising the economic regeneration of CPIR.

12. The 4.35 Ha farmland site, in 3 fields, lies on the western edge of Camborne. Existing housing adjoins part of the northern, eastern and southern boundaries at the east end of the site, while a large sports field adjoins the western end. Other sports and play facilities lie to the north. A surfaced footpath, enclosed by hedges and trees, crosses the site linking Tregenna Lane and Boundervean Lane, on its western boundary. The path is an important pedestrian link between the small village of Penponds and Camborne town centre.
13. The town centre has a range of shops, employment, leisure and recreational facilities. The site is about 400 m from the town centre and within easy walking distance of the health centre, primary and secondary schools. The Council accepts that the site is in a sustainable location.
14. The proposed development would include up to 94 houses, flats and assisted living bungalows, together with a 60 bed nursing home. Vehicular access would be from Tregenna Lane. The Council makes no objection to the access proposals.

Whether the Council can demonstrate a 5 year supply of deliverable housing land and the consequent policy implications

15. Framework 12 makes it clear that the development plan is the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts with it should be refused unless other material considerations indicate otherwise. The appellants argue that the Council cannot demonstrate a 5 year supply of deliverable housing land so that Framework 49 is invoked; in these circumstances relevant policies for the supply of housing should not be considered up to date so that the enhanced presumption in favour of sustainable development in Framework 14 should be applied.
16. CLP policy 2a sets out key housing targets, seeking the delivery of a minimum of 52,500 homes in Cornwall over the plan period, apportioning the overall requirement between the main towns with at least 5,200 in CPIR.
17. The total requirement 2010-2030 indicates an annual requirement of 2,625 homes, and a 5 year requirement of 13,125. The shortfall over the first 6 years of the plan amounts to 1,759. It is agreed that the shortfall should be addressed within the 5 year period April 2016-March 2021 (the Sedgefield approach), taking the 5 year requirement to 14,884. As Framework 47 explains, to that must be added a 5% additional buffer to ensure choice and competition in the market for housing land. Where there has been a persistent under delivery of housing, the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply.
18. The appellant argues that there has been a failure to meet the annual target in 5 of the 6 years of the plan period to date. I note that the cumulative shortfall has remained fairly consistent over the last 3 years and that in 2014-15 the target was exceeded and in 2015-16 completions were only marginally below target. Performance is improving. Nonetheless, this period has been particularly difficult for the housing market and I consider the Council's assessment over the past 15 years, a longer period taking full account of the peaks and troughs of the housing market cycle, to be a much more robust approach. Over that period the Council can show that there has not been a persistent under delivery of housing, so the additional buffer should be 5%. That brings the 5 year requirement to 15,628.

19. The Council considers that 16,407 dwellings are deliverable and capable of being developed within the 5 year period. This equates to 5.25 years supply. The appellants challenge the deliverability of a number of sites arguing that, in most cases, the anticipated rate of delivery is over-optimistic. As footnote 11 to Framework 47 explains, sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within 5 years. Sites which cannot deliver have already been excluded from the delivery list. Most of the 5 year supply is made up of land with planning permission. While there would have to be a step change in delivery to meet the Council's trajectory, the Council can justify this in the light of past performance, a surge in planning permissions and averaged lead-in times.
20. The appellants put forward speculative reasons, unsupported by convincing evidence, as to why these sites may under-deliver, but that seems to be almost entirely subjective opinion relating to queried lead-in times. There is no clear evidence to show that the schemes with planning permission will not be implemented within 5 years. Sites without planning permission make up a small proportion of the total. The scope for any reduction of this small number is limited and, since the totality of the appellants' suggested shortfall over provision is just 126 units, taken in the round I do not consider that it would make a significant difference. I therefore find that the Council can convincingly demonstrate at least a 5 year supply of deliverable housing sites.
21. Thus, in terms of Framework 49, the relevant policies for the supply of housing are up to date so that bullet point 2 under "decision taking" in Framework 14 does not apply. In accordance with Framework 12, the proposals should be considered against the local development plan, emerging policies and other material considerations.
22. The key consideration here is CLP policy 3, where CPIR is identified as one of the primary locations for development, with by far the highest housing apportionment of 5,200. The accompanying chart setting out the expected delivery of the CLP target, while illustrative, indicates a current shortfall in provision in CPIR of about 600 units. As paragraph 1.74 of the supporting text to policy 3 says, where a 5 year supply can be demonstrated, the adequacy of supply in meeting the needs of a particular town is a material consideration when making planning decisions.
23. Delivery of housing is to be managed through a Site Allocations DPD (SADPD). For CPIR the draft SADPD currently allocates a site next to Redruth town centre (Tolgus Urban Extension). This is expected to deliver about 280 houses. While other sites can be expected to come forward, there is therefore some uncertainty over the adequacy of the housing supply and whether the CPIR target will be met.
24. Although the site is not currently included in the draft SADPD, I give that little weight since further allocation may be necessary to ensure a rolling supply of housing land to meet the 5 year requirement and the draft SADPD is at an early stage and is subject to change before it is adopted. The site is in a particularly sustainable location and an additional 94 dwellings would make a significant contribution to the CPIR target.
25. As the Monitoring Report indicates, while overall a 5 year supply can be demonstrated, there is still a need to increase building rates to boost the supply of housing as advocated by the Framework. There is no specific policy restriction on development in this location. In all these circumstances I consider, in principle,

that the proposed development of this site would strongly support the economic regeneration of CPIR, in general compliance with CLP policies 2, 2a and 3.

The effect of the proposal on the character and setting of local settlements

26. The site makes some contribution to the rural setting of the western side of Camborne, although that is somewhat undermined by the surrounding development and the semi-rural nature of the sports pitches. The 3 small fields are enclosed by traditional hedges and they, together with the gently sloping local landform, effectively prevent any longer views in or out of the site so that any impact on the wider landscape would be very limited. This is not a landscape that is particularly sensitive to change. The site is not protected by any specific landscape designation, although it does lie within an area of grade 3 best and most versatile agricultural land. The Council's principal concern is that by urbanising open farmland and eroding the gap between Camborne and Penponds, the development would harm the character and setting of the 2 settlements.
27. While priority should be given to the re-use of brownfield land, there is nothing to show that sufficient is available to meet the housing need, either locally or Cornwall-wide, so that development of greenfield sites will inevitably be necessary. The site cannot be excluded for that reason. Because of the nature of its surroundings, this site cannot be considered to be in the rural open countryside. The site is partially surrounded by, and well located in relation to, existing housing and close to the town centre. The footpath giving pedestrian access to Penponds would be retained and improved. I consider that the site lies within an area that makes a limited contribution to the quality of the character and rural setting of Camborne and that its development would provide an appropriate and sustainable extension to the existing urban area. The strong traditional hedge boundaries would remain, limiting the visual impact of development on the surrounding area.
28. The village of Penponds lies some distance from Camborne, beyond the main railway line, which is on a high embankment at this point. The embankment forms a strong visual and physical barrier and the railway arch through it provides something of a transition point between the village centre and the lane towards Camborne. While there is a straggle of farm buildings and cottages along the lane between the embankment and Boundervean Lane, this is mainly open farmland, providing a rural setting for the village. The site, adjacent to the sports field across Boundervean Lane, is of a somewhat less rural character. While development of the site would bring the edge of Camborne nearer to Penponds, I do not consider that it would significantly diminish the quality of its distinctive rural farmland setting or result in the loss of its separate identity.
29. Development of the site would result in the loss of best and most versatile farmland, although the total amount would be relatively small, some 4.3 Ha, and not so significant on its own as to warrant rejection of the proposal. There would be some encroachment into the semi-rural setting of Camborne but I consider that, taken as a whole, the development proposal would be of an appropriate scale and nature that essentially respects the character of this undesignated landscape and, in compliance with CLP policy 23, would sustain local distinctiveness and character. I consider that the proposal would have no unacceptably harmful effect on the character and setting of local settlements.

Whether the provisions of the unilateral undertaking are necessary to make the development acceptable in planning terms

30. There was no reason for refusal relating to a failure to contribute to the potential need for infrastructure improvements arising from the development and the Council made no reference to these matters in its appeal statements. Nevertheless they were clearly discussed during the application stage and no doubt would have been formalised if planning permission had been granted. Discussion took place at the hearing. I am required to consider the proposal against the policies of the development plan. CLP policy 8 sets out the requirement for the provision of affordable housing, while policy 28 indicates that contributions will be sought to provide or enhance local infrastructure that is adversely affected by the development of a site. All such contributions must comply with the tests set out in Framework 204 and CIL regulation 122. I note that the Council has no CIL Charging Schedule in place.
31. The appellants put forward an undertaking to provide an appropriate percentage of affordable dwellings and to make contributions as necessary towards open space provision and education facilities. Nonetheless, while agreeing that affordable housing provision should be made, they dispute whether there is the necessary justification for the contributions.
32. The undertaking commits the appellants to providing at least 25% of the dwellings as affordable housing units in a mix of tenures. This complies with CLP policy 8, which requires 25% affordable housing in designated housing Zone 5, in which CPIR lies. This would make a substantial contribution towards meeting the identified very high level of need for affordable homes in the area. This obligation is necessary to make the development acceptable in planning terms, it is directly related to the development and is fairly and reasonably related in scale and kind to it. This provision therefore meets the appropriate tests.
33. The Council seeks a contribution towards offsite improvements to natural open space, outdoor sports facilities, teenage equipped play provision and allotments. However, there is no policy requirement for such a contribution and the Council provides no evidence of any specific shortfall or why the development of this site would have an adverse effect. Without such evidence I cannot conclude that the contribution is necessary to make the development acceptable in planning terms.
34. The nearest local schools are identified as being over capacity, although I heard that there are no plans for expansion towards which a contribution could be made. Instead the Council identifies the Nine Maidens Alternative Provision Academy (APA), which takes the more challenging students from schools in the CPIR area. However, there are other primary and secondary schools closer to the site than Nine Maidens which are more likely to be attended by children from the development site but which do not appear to have been considered. While 2 additional classrooms are required at Nine Maidens APA, that expansion programme is already underway and has not arisen from this proposal. Again, there is no CLP policy against which to judge the requirement for a contribution and the Council provides no evidence of why the development of this site would have an adverse effect on education provision at Nine Maidens APA. The contribution cannot be considered necessary to make the development acceptable.
35. Thus, while the provision of affordable housing is clearly necessary, there is insufficient justification for the required contributions towards off-site open space and education facilities. These 2 contributions do not meet the tests of Framework 204 and CIL regulation 122 and have not been demonstrated to be necessary. While the undertaking to provide affordable housing carries full weight in my

decision, the provisions to make the 2 contributions carry no weight and have not been taken into account in determining the appeal.

36. At application stage the Council sought contributions towards off-site highways works. Due to the pooling restrictions of CIL Regulation 123, it was recognised that it would not be possible to collect the contributions through a s106 obligation. Instead the Council sought collection under s278 of the Highways Act and the matter was not pursued at the hearing.

Other matters

37. Local residents make reference to the possibility of a link road between Treswithian roundabout and the B3303, which would potentially cross the site and which the proposal would prevent. While this was evidently considered at an early stage, with proposals for the development of this site and others, the Council confirms that there are now no plans for this so it is not something I can take into account. While I understand the concerns about flooding and sewage pumping measures, the proposals are acceptable to the Environment Agency in principal and further detailed provisions can be controlled by condition to ensure they are effective. I saw that the nearby roads can get congested at times but the highway authority is satisfied with the access arrangements at the entrance to the site and considers that the proposal would not have a severe effect on the flow of traffic in the surrounding road network. I have taken that into account.

Conclusions

38. The proposal would result in a strong economic benefit in construction jobs, nursing home jobs and support for local shops and town centre facilities. The provision of about 70 market homes, 24 affordable homes and a 60 bed nursing home would be a major social benefit, meeting a pressing local need. While there would be a loss of best and most versatile agricultural land, overall the proposal would respect the distinctive character of the local landscape. In performing these economic, social and environmental roles the proposal would amount to sustainable development.
39. While the Council can now demonstrate a Cornwall-wide 5 year supply of housing land, there is some doubt as to whether it can deliver the dwellings apportioned to CPIR at the necessary rate. The housing targets are in any case to be regarded as a minimum. The SADPD is not yet definitive and may change. I have found that this proposal would strongly support the priority aim of the regeneration of CPIR without unacceptable harm to the setting of its western edge or the loss of identity of Penponds. I consider that the proposed development accords with the up-to-date local development plan and should be approved.
40. I have considered the conditions discussed at the hearing. As well as the normal reserved matters, a condition requiring the submission of a site drainage strategy is necessary, with a detailed scheme to be submitted before commencement. To minimise the impact on local residents, working hours should be restricted and Construction Environment Management and Construction Management Traffic Plans submitted. For safety reasons the access should be constructed before works take place on site. To promote sustainable travel a comprehensive Travel Plan is necessary. To safeguard habitats and species a Landscape and Ecology Management Plan is required. There is evidence of arsenic contamination on site so detailed provisions for a scheme for investigation and remediation is necessary. The site has some archaeological interest so a scheme of investigation is

necessary. Although not suggested by the Council, it was agreed that a scheme for the provision and management of the on-site play areas is necessary.

41. I have made minor adjustments to the wording of the suggested conditions to accord more with the Inspectorate's published advice and to the order of the conditions in the interests of greater clarity. With that in mind, for the reasons given above, I conclude that the appeal should be allowed.

Colin Ball

Inspector

APPEARANCES

FOR THE APPELLANT:

Scott Stemp, of Counsel	Instructed by Savills.
Jon Gateley	Savills.
Nick Bunn	Redbay Design.
Rik Totman	Cannon Consulting Engineers.

FOR THE LOCAL PLANNING AUTHORITY:

Peter Blackshaw	Principal Development Officer, Cornwall Council.
Martin Cookman	Team Leader, Planning Policy, Cornwall Council.

INTERESTED PERSONS:

Cllr John Herd	Member for Camborne Pendarves.
David Biggs	Local resident.
John Buddle	Tregenna Action Group.
Bentley Orchard	Local resident.
Philip Gilbert	Local resident.
C Tyack	Local resident.
G E Prowse	Local resident.
Ryan Maddocks	Local resident.
Geoffrey Linnette	Local resident.
Jenny Goodman	Local resident.

ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING

- 1 Report on the Examination into the Cornwall Local Plan Strategic Policies
23 September 2016
- 2 Draft Cornwall Site Allocations Development Plan Document
- 3 Appellants' housing trajectory diagrams
- 4 Cllr Herd's statement
- 5 Mr Biggs' statement
- 6 Mr Buddle's statement
- 7 Written representation by Mr Carey-Clinch

ADDITIONAL DOCUMENTS SUBMITTED DURING THE ADJOURNMENT

- 8 Addendum Statement of Common Ground.
- 9 Council's further comments, with Cornwall Local Plan.
- 10 Appellants' further comments.

ANNEX A

Schedule of conditions to be attached to planning permission for the construction of up to 94 residential dwellings (Use Class C3) and a residential care facility comprising up to 60 bedrooms (Use Class C2) at land off Tregenna Lane, Camborne TR14 7QU:

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 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: Site/location plan 10182-PL-02 A; Existing DG14010-1-1; and Proposed N601-SK01.
- 5) The reserved matters application shall be supported by a detailed surface water drainage strategy for the whole site. This strategy, including the design, shall incorporate measures to manage flood risk and water quality utilising sustainable drainage techniques and shall be submitted to and agreed in writing by the local planning authority as part of the reserved matters application.
- 6) No development or phase of development shall take place until a detailed scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. Those details shall include:
 - i) a timetable for its implementation;
 - ii) technical details of infiltration testing, soakaways, construction methods, provision for exceedance pathways and overland flow routes, quality control procedures; and
 - iii) 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 effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 7) No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall include details of all permits, contingency plans, and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the production of wastes with particular attention being paid to the constraints and risks of the site.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 8) No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to, and

approved in writing by the local planning authority. The CTMP shall provide for:

- i) Details of construction vehicles – number, size and type
- ii) Vehicular routes and delivery hours
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction.

The approved CTMP shall be adhered to throughout the construction period for the development.

- 9) Construction works shall take place only between 0800-1800 on Mondays to Fridays, 0800-1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays. Construction works shall not exceed the WHO thresholds for noise (indoor and outdoor) outside the boundary of the site.
- 10) No development shall take place on the site until the access has been laid out and constructed in accordance with the approved plan; details of the gradient, surfacing, drainage and sight lines shall first have been submitted to and approved in writing by the local planning authority. The access shall thereafter be retained as approved.
- 11) No dwelling shall be occupied until a comprehensive Travel Plan has been submitted to, and approved in writing by the local planning authority. The Travel Plan shall be prepared in accordance with prevailing policy and best practice and shall include as a minimum:
 - i) The identification of targets for trip reduction and modal shift
 - ii) The methods to be employed to meet these targets
 - iii) The mechanisms for monitoring and review
 - iv) The mechanisms for annual reporting
 - v) The penalties to be applied in the event that the targets are not met
 - vi) The mechanisms for mitigation
 - vii) Implementation of the Travel Plan to an agreed timescale and its operation thereafter
 - viii) Mechanisms to secure variations to the Travel Plan following monitoring and review

A review of the targets shall be undertaken within 3 months of the occupation of the first phase of the development and on an annual basis thereafter at the time of the submission of the annual Travel Plan report.

- 12) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on

the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 13) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is first occupied.
- 14) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 15) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing within 14 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 14 days and approved in writing within 14 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
- 16) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to

and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v) the provision to be made for archive deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 17) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI and the provisions made for analysis, publication and dissemination of the results has been secured.

- 18) The first reserved matters application shall include an Open Space scheme showing all areas of open space to be provided within the site including public amenity space, a local area for play (LAP) and an equipped children's play area (LEAP). The scheme shall include details of the location and layout of open spaces, timing of provision, proposed planting, boundary structures, play equipment and materials. Development shall be carried out in accordance with the approved details and no dwelling on the site shall be occupied until the open space scheme has been completed.
- 19) No dwelling on the site shall be occupied until an Open Space Management Plan for the future management and maintenance of the open space scheme has been submitted to and approved in writing by the local planning authority. The Plan shall identify the maintenance requirements of the scheme including all ongoing regular maintenance operations. The open space on the site shall thereafter be maintained in perpetuity in accordance with the approved Management Plan.