
Appeal Decisions

Inquiry Held on 2-4 April 2019

Site visits made on 3 and 4 April 2019

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2019

Appeal A Ref: APP/N4205/W/18/3212602

Land at Eldercot Road, Bolton

- 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 M Bowman (Eden Land (Bolton) Ltd) against the decision of Bolton Metropolitan Borough Council.
- The application Ref 03053/18, dated 2 March 2018, was refused by notice dated 23 July 2018.
- The development proposed is the erection of up to 250 dwellings including new access off Eldercot Road, along with the relocation of the existing rounders pitch and playing field (access only).

Appeal B Ref: APP/N4205/W/18/3220774

Land at Eldercot Road, Bolton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andrew Garnet (MCI Developments Ltd, Your Housing Group and Eden Land (Bolton) Ltd) against the decision of Bolton Metropolitan Borough Council.
- The application Ref 04527/18, dated 4 September 2018, was refused by notice dated 15 January 2019.
- The development proposed is the erection of 234 dwellings, relocation of the rounders pitch together with new vehicular and pedestrian access from Eldercot Road and associated works.

Decision Appeal A

1. The appeal is allowed and planning permission is granted for the erection of up to 250 dwellings including new access off Eldercot Road, along with the relocation of the existing rounders pitch and playing field at Land at Eldercot Road, Bolton in accordance with the terms of the application, Ref. 03053/18 dated 2 March 2018, subject to the conditions in the attached Schedule A.

Decision Appeal B

2. The appeal is allowed and planning permission is granted for the erection of 234 dwellings, relocation of the rounders pitch together with new vehicular and pedestrian access from Eldercot Road and associated works at Land at Eldercot Road, Bolton in accordance with the terms of the application, Ref. 04527/18 dated 4 September 2018, subject to the conditions in the attached Schedule B.

Procedural Matters

3. Appeal A was submitted in outline with all matters reserved for subsequent approval except for access. The description of development of Appeal A has been amended to exclude the refurbishment of the existing pavilion. This is because it has since been agreed between the main parties that a capital sum would be made to the rounders club to do the refurbishment. I have therefore used the amended description of development as stated in paragraph 2.8 of the Statement of Common Ground.
4. The Secretary of State considered the proposals of both appeals in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017). The proposals would not be located within or within proximity of any designated sensitive areas, and whilst there would be temporary effects during construction, no significant environmental impacts were identified in terms of noise, waste, contamination, flooding or traffic. Considering the nature of the receiving environment, and taking into account the scale and nature of the proposed development, it was considered that whilst the development may have a minor effect on the landscape it would not be likely to give rise to a significant environmental effect. Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 14(1) and 7(5) of the above Regulations, the Secretary of State directed that the proposals are not Environmental Impact Assessment (EIA) development.
5. Amended plans were submitted during the Inquiry to address the highway authority's requirement for a widened access road.

Main Issues

6. The main issues for both appeals are the effect of the proposed development upon (i) the provision of open space and (ii) the highway network with particular regard to capacity.

Reasons

Open Space

7. The whole of the site for both appeals is allocated as a recreational site in the Bolton Allocations Plan 2014 (BAP). A lesser part of the site is playing fields, i.e. a formal use, which have been used by three rounders teams for many years. The Council accepts that the remainder of the space is for informal recreational activity. I note comments from Sport England about a former rugby pitch that was marked out in around 2000 but from what I heard it seems that this pitch was not much used. Given the historical nature of the pitch, I am of the opinion that it should not be counted as formal open space. I heard from the residents that apart from the rounders facility, the site is predominantly used for dog walking and children's play. The land is in private ownership and public access could be prevented.
8. Policy CG1 of Bolton's Core Strategy 2011 (CS) aims to safeguard and enhance various types of open space. Policy GC1.3 seeks to safeguard and enhance parks, gardens, allotments, civic spaces, cemeteries and playing fields and improve the quality and multi-functional benefits of these assets. I find no conflict with this policy because it does not protect informal space and because the rounders facilities would be enhanced by the proposal.

9. Policy CG1.4 allows some development on informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces and helps to meet the strategic objectives for housing. I see this as a permissive policy although I accept that the word "some" means that not every development proposal would be acceptable.
10. In terms of the requirement of Policy CG1.4 to allow for the improvement of remaining green spaces, the proposals would include the development of a replacement rounders facility which would be bigger than the existing area. It would also be properly drained, unlike at present. In both appeals, the developer would transfer the freehold or grant a leasehold interest to Wally's Rounders Club. If this is not possible the clubhouse and pitch would be retained by the developer and put into a management company. The area would then be made available through a Community Use Agreement. Furthermore, a £25,000 contribution would be made available to Wally's Rounders Club upon the transfer of the freehold or grant of leasehold. If the club is not transferred to Wally's, the money would be made available to the management company to undertake some improvement works to the existing pavilion. S.106 obligations have been executed to secure these measures. At the moment, the club has no security of tenure so these actions would represent a significant improvement to the remaining green space.
11. CS Strategic Objective (SO) 14 is to provide housing that meets the needs of everybody, reflecting the needs of an ageing population and a growth in the number of households. Policy SO 15 seeks to focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites. Policy SO 16 is to develop mixed communities which encourage community cohesion and ensure access for all to community and cultural facilities.
12. In terms of Policy SO 14, the proposals would provide up to 250 houses in Appeal A and 234 houses in Appeal B. The site is within the Inner Bolton Renewal Area which is a focus for new housing. There is no dispute that Bolton's latest housing land supply figure is between 3.5 and 3.7 years and that the 2018 Housing Delivery Test showed a figure of just 60%. The proposals would therefore clearly help to meet housing needs.
13. In terms of Policy SO 15, the proposals are in the existing urban area and located next to a mixture of housing types and therefore it would encourage mixed communities. There is no suggestion that the housing would not be accessible to community and cultural facilities although I note the Council's comments that it fails the test of accessibility to community facilities due to the loss of open space. However, the site is adjoining extensive amounts of open space at Hulton Lane Railway Land and Hulton Lane Playing Fields. Therefore, the new and existing residents would still have easy access to open space. I visited this adjoining open space and there is no evidence that it is overused. Therefore, in my assessment, it can easily and conveniently accommodate users of the appeal site.
14. The SOs are objectives for the whole of Bolton and not criteria for individual sites. Whilst, Policy CG1.4 requires proposals to help meet the strategic objectives for housing, it does not say that the proposal should meet every strategic objective. For the above reasons, I consider that the proposals

would help meet these strategic objectives. I therefore conclude that the proposals would be in accordance with CS Policy CG1.4.

15. Paragraph 96 of the Framework says that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
16. The CS policies were based upon the guidance in PPG17 which required similar assessments and therefore Paragraph 96 does not make the CS policies out of date.
17. Paragraph 97 of the Framework says that existing open space should not be built on unless one of three criteria apply, one being that an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. The development plan does not make this requirement for planning applications. I accept that the site has not been specifically identified as being surplus to requirements and there is conflict with Paragraph 97. However, this is only one factor to weigh in the balance.
18. Both parties have undertaken an open space assessment as part of the appeal submissions but as they have used different methodologies, they have reached different conclusions. The Council's indicates a deficit of open space whereas the appellants' indicates a surplus. I heard at the Inquiry that there is no formally adopted methodology for such studies. For these reasons, I give limited weight to both of these surveys. Furthermore, Policy CS CG1.4 does not require them and the policy has been formulated upon the basis of a thorough Open Space Assessment.
19. In summary, there would be no conflict with the development plan; the rounders facility would be improved and its future made more secure; and there is a very substantial amount of open space next to the site. These factors outweigh the conflict with the Framework and it is my overall conclusion that the proposal would not have a materially adverse impact upon the provision of open space.

Highways

20. The Transport Statement of Common Ground says that the impact of the proposals on the local road network was considered to be acceptable by the professional highway's officers at Bolton Council and at Transport for Greater Manchester.
21. Notwithstanding this, the Council's case concerns the ability of the junctions at Wigan Road/Hulton Lane and St Helens Road/Hulton Lane to accommodate the traffic likely to be generated by the appeal proposals. This is especially as the St Helens Road junction currently operates at its practical capacity. The Council does not dispute the traffic data submitted by the appellant but the parties disagree over whether the impact should be classed as severe.
22. I observed the junctions at around 0830 on 4th April and there was little to no queuing at the lights at either end of Hulton Lane at that time. This light traffic may not be typical but it provided me with a snapshot in time. The

submitted evidence is that some queueing does occur at these junctions in peak periods.

23. In respect of the Wigan Road/Hulton Lane junction, the 2023 base flow scenarios show that the junction is forecast to operate within its actual capacity with development but slightly in excess of its actual capacity in the 2028 scenario. The largest increase in queueing being that of 12 vehicles in the PM scenario. This would be a change from 45 to 57 vehicles whilst the lights are on red.
24. The evidence before me is that the St Helens Road/Hulton Lane junction currently operates within actual capacity. It is forecast to operate close to its actual capacity in the AM and PM peak 2023 flows with and without development. The largest increase would be 8 vehicles in the queue which is from 36 to 44 vehicles. The 2028 scenario shows that it is forecast to operate in excess of its actual capacity in the AM peak and close to its actual capacity in the PM peak. The largest increase in queueing being that of 9 vehicles in the AM peak.
25. The appellants propose a financial contribution to upgrade the existing MOVA scheme. It is unknown what the actual mitigation of that would be but Transport for Greater Manchester has indicated that it would have a limited impact rather than no impact and therefore, it is anticipated that it would provide some mitigation.
26. I heard concerns that sometimes the junctions get blocked by right turning vehicles. I noted at my visit that there are no yellow boxes at the junctions but it was suggested at the Inquiry by the appellant that these could be installed by the highway authority if there is indeed such a need and I agree.
27. Paragraph 109 of the Framework says that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe. For the above reasons, I do not consider that the increase in traffic generated by the development would result in a severe residual cumulative impact.
28. I heard from objectors that other roads would be affected by the additional traffic. However, I have no technical evidence to support this argument. I have considered the traffic survey which was undertaken by an interested party. However, whilst it shows numbers of cars, it does not make a particular analysis of the impact of the development.
29. The Council has drawn my attention to appeals in Preston¹ and Fylde². However, neither of these cases are directly comparable to the appeal proposal as not only did they concern completely different highways, places and proposals, there was a road safety issue in the former and longer queues in the latter.
30. Neighbours have raised concerns about car parking and public transport. The proposals include the provision of a Traffic Regulation Order (TRO) around the junction of Eldercot Road and Hulton Lane in order to improve visibility. I appreciate that this might displace some kerbside car parking. However, cars should not park close to the junction anyway, therefore, the restriction would

¹ APP/N2345/A/12/2169598

² APP/M2325/W/16/3164516

provide an improvement to the road network. I do not consider that the number of displaced cars, either from the traffic restriction or from the points of access to the development, would be so large as to create a car parking hazard or an unacceptable level of car parking stress in the area. I am satisfied that the level of car parking within the site for appeal B would be sufficient to prevent cars over-spilling onto Eldercot Road and beyond.

31. I heard that the proposed TRO would involve relocating a bus stop but as the TRO would cover a very short distance, the bus stop is unlikely to be moved far. I have no substantive evidence that the proposed dwellings would result in an unacceptable stress upon the operation of local bus services or that construction traffic would present an unacceptable risk to highway safety.
32. I therefore conclude that the proposals would have an acceptable effect upon the highway network. I find no conflict with CS Policies P5 and S1 which seek to ensure that development does not harm highway safety and takes account of accessibility by different types of transport. Neither do I find conflict with Paragraph 109 of the Framework which indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

S.106 Agreements

33. The appellants have executed Section 106 Agreements for both appeals that include a number of obligations to come into effect in the event that planning permission is granted. I have considered these in light of the Framework, Planning Practice Guidance (PPG) and the Community Infrastructure Levy Regulations (the CIL Regulations).

Both Appeals

34. The disposal of the sports area to the current occupier of the pavilion and rounders club or the entering of a community use agreement; the contribution of £25,000 for the refurbishment of the pavilion; and the replacement rounders pitch and ancillary training recreation area are to ensure the continued and permanent provision of the facility.
35. The Education contribution is to generate primary school places and secondary school places, the need for which would be generated by the development. There is a shortage of school places in the area. The contribution is supported by CS Policies A1.4 and IPC1 and the Council's SPD *Infrastructure and Planning Contributions* (IPC) and is calculated based upon Department for Education figure for provision under the Basic Needs Formula.
36. The highways contribution to upgrade the controller systems at the junctions of Wigan Road/Hulton Land and St Helen's Road/Hulton Lane is to mitigate the impact of the development. This is supported by CS Policy IPC1.
37. Public Open Space Contributions to provide and enhance existing areas of open space including children's play areas and informal public open space in the Hulton ward are supported by CS Policies CG1.4, IPC1 and the IPC SPD.

Appeal A

38. A viability reappraisal shall be submitted upon the submission of reserved matters. I consider this to be necessary as the outline application does not make full financial contributions or comply with Council policy for the provision of affordable housing due to a lack of financial viability. Whilst the outline application does not make for full contributions, I consider that this is currently justified on grounds of viability and, in these circumstances, the contribution that the scheme would make to the housing supply outweighs the lack of contributions.

Appeal B

39. The obligation provides for 117 of the 234 dwellings to be affordable housing units. 48 will be for affordable rent and 69 for intermediate housing of an equivalent external standard and specification as the market housing units. This is supported by CS policies SC1 and IPC1 along with the Council's Supplementary Planning Document (SPD) *Affordable Housing*. The Council would normally require a 35% provision whereas this appeal would provide for 50%. This additional provision mitigates somewhat against the shortfall in the contributions towards education and open space which are restricted because of agreed limited viability. I am satisfied that the obligation is necessary to make the development acceptable.

Conclusion on the Planning Obligations

40. The Council has provided a CIL compliance statement which sets out that none of the contributions sought would be prohibited by the pooling restrictions in CIL Regulation 123. I am satisfied on the basis of the evidence that this is the case and that the contributions provided by these obligations meet the criteria for planning obligations contained in Paragraphs 54-56 of the Framework and accord with CIL Regulation 122. The obligations are necessary to make the development acceptable fairly and reasonably related in scale and kind to the development. Accordingly, I have taken the obligations into account in reaching my decision.

Other Matters

41. I note the concerns of local residents that the new housing would increase pressure on local services. However, some of the impacts would be mitigated by the financial contributions but in other respects, the residents did not provide any detailed evidence to suggest that local facilities could not accommodate the future occupants. Although the level of planning contributions to infrastructure are limited by viability, I consider that the need for housing outweighs the limited pressures that might occur. The Council has agreed the viability position of the schemes and a reduction in contributions is therefore supported by CS Policy IPC1.
42. Residents are concerned about the rounders balls going astray but ball stop fencing would prevent that happening. I also note residents' concerns in respect of noise, light and privacy but the new dwellings in Appeal B would be sited further enough from existing houses to avoid unacceptable overlooking or loss of light. Residential noise is normal in a residential area. I therefore consider that there would be no unacceptable impact upon the living conditions of the occupiers of surrounding dwellings. The siting of the dwellings for appeal A have yet to be considered.

43. Interested parties raised concerns in relation to drainage and flooding. However, I have nothing before me to indicate that the development of the site would present a flood risk. Both the Environment Agency and United Utilities were consulted and had no objections to the final scheme.
44. The site was historically subject to coal mining, clay extraction and landfilling. The submitted Site Investigation report establishes that there are a number of sources of contamination within the soil and there is a presence of methane and carbon dioxide gasses. In addition, the former railway line which runs along the boundary of the site was also backfilled with household, industrial, commercial and special waste. However, the Council's Environmental Health Officer (EHO) has confirmed that the site can be redeveloped for residential purposes in a safe manner subject to conditions.
45. The Coal Authority concurs with the information within the appellants' submissions which requires further survey work to be completed (including gas monitoring). They conclude that sufficient information has been submitted at the detailed stage to demonstrate that the site can be made safe or stable for the proposed development. The Coal Authority did not object to the proposed developments.
46. The Environment Agency commented that the previous use of the site presents a high risk of contamination to controlled waters which could be mobilised during construction. However, it confirmed that the risk can be suitably managed and that further investigation can be provided prior to the commencement of development. I have nothing technical before me that would lead me to disagree with these professional opinions and I find no harm to the health or safety of residents.
47. The site provides habitat to various species of wildlife although the Preliminary Ecological Appraisal did not identify protected species. A Great Crested Newt Impact Assessment indicated that none were present in waterbodies on or within 250 metres the site. Officers from the Greater Manchester Ecology Unit (GMEU) have commented that the site is not of overall substantive statutory ecological importance and that there is low potential for the site to support protected species. However, it did comment that there were other amphibians on the site which can be protected via mitigation measures. These can be secured by conditions. Furthermore, the landscape and ecological management plan, to be secured by conditions, will assist biodiversity.
48. The proposals would result in the loss of a number of trees but none of these are protected. A detailed landscaping scheme will be submitted for approval which would go towards mitigating for the loss.

Conditions

Both Appeals

49. As well as the implementation conditions I have defined the plans in the interests of certainty. In the interests of residential amenity, I have attached conditions relating to phasing; site levels; construction method; contamination; ball stop fencing; and mining investigations. In the interest of highway safety conditions are imposed in relation to the reinstatement of the footway/carriageway; highway improvement and road construction. In the

interests of sustainable transport choices, a condition is attached in respect of a travel plan. Conditions are imposed to ensure adequate drainage of the development. In the interest of visual amenity, a tree protection condition is required. Conditions are necessary for the protection of ecology. Conditions are imposed in relation to the provision of the replacement rounders pitch/playing field.

Appeal A

50. Conditions are attached in respect of reserved matters and it is necessary to limit the number of dwellings to 250 to avoid overdevelopment.

Appeal B

51. In the interests of visual amenity conditions are imposed in relation to landscaping, public art and fencing. In the interests of living conditions permitted development is removed on some plots for extensions and dormers.

Conclusions

52. For both appeals, I find no material harm to highway safety. Whilst I have found conflict with paragraph 97 of the Framework, my overall finding is that both proposals would not have a materially adverse impact upon the provision of open space. Both proposals would conform to development plan policy and would add to the supply of housing. I therefore conclude that both appeals should succeed.

Siobhan Watson

INSPECTOR

Appearances

FOR THE APPELLANT:

Mr David Manley, of Queens Council
Kings Chambers

He called:

Mr Philip Wooliscroft MSc, of Croft Transport, Planning and Design (Highways)
Mr Simon Pemberton MA(Hons) MRTPI, Senior Director, Nathaniel Lichfield & Partners (Planning)

FOR THE COUNCIL:

Mr Jonathan Easton of Counsel
Kings Chambers

He called:

Councillor Nick Peel (Highways)
Mr Ryan Grant MTCP, MRTPI of DPP Planning (Planning)

INTERESTED PERSONS:

Councillor Shaikh – Bolton Metropolitan Borough Council
Councillor Hewitt – Bolton Metropolitan Borough Council
Councillor Parkinson – Bolton Metropolitan Borough Council
Glenda Parkinson – Local Resident
Mr Johnson – Local resident
Mike Manville – Chairman Hulton Community Action Group
Barbara Brown – Committee Member of Hulton Community Action Group

Documents Submitted at the Inquiry

1. Indicative Phasing Plan for detailed application showing proposed haul road – now withdrawn.
2. Proof of Evidence of Mr Ryan Grant – Correction Note to Appendix RG1
3. Extract from cancelled Planning Policy Guidance 17 (PPG17) Sport and Recreation
4. Whole of PPG17
5. List of plans
6. Proposed Site Layout Rev R
7. Street scene Elevations Rev B
8. Material Distribution Plan Rev F
9. Boundary Treatments Plan Rev J
10. Annotated map with photographs submitted by Barbara Brown
11. List of proposed conditions
12. Statement of Common Ground – Highways.
13. Proposed Site Access Arrangement ref 2026-F01A (Appeal A)

Documents Submitted after the Inquiry Closed

S.106 agreements for both appeals

CIL Compliance Statement

Traffic Survey dated 18 October 2018 undertaken by Hulton Action Community Group

Schedule A

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates must be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2) 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.
- 3) The development hereby permitted shall be carried out in complete accordance with the following plans: Location Plan ref ED/ER/LP/01 Rev C and the Proposed Site Access Arrangement ref 2026-F01A.
- 4) No development shall take place until a Phasing Plan and Schedule has been submitted to and approved in writing by the Local Planning Authority. The Plan and Schedule shall include details of the timing of the delivery of the replacement playing field, site access and each phase of housing. The development shall be undertaken in accordance with the approved Plan and Schedule.
- 5) No construction above ground shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a timetable for implementation. The development shall be carried out in accordance with the approved scheme.
- 6) No construction above ground shall take place until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be completed prior to the occupation of any dwelling to which it relates.
- 7) No development shall commence until full details of the highway works to Eldercot Road comprising the repair and reinstatement of the footway/carriageway surfaces arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the first dwelling.

- 8) No construction above ground shall take place until full details of the highway works at the junction of Eldercot Road and Hulton Lane comprising of the highway improvement scheme as shown on Drawing No 2026-03 are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling and shall be retained thereafter.
- 9) No development shall commence until details of the existing and proposed ground levels within the site and on adjoining land, including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details.
- 10) No demolition, development or stripping of soil shall be started until:
 - a) The trees within or overhanging the site which are shown to be retained on the Tree Survey and Root Protection Area plan (drawing No. 5617.01) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority.
 - b) The approved fencing shall remain in place until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, the storage of materials, or placing of site cabins within the fenced areas.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) delivery, demolition and construction working hours;
 - i) construction vehicle routing and access.

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

- 12) Prior to the commencement of development, a site investigation, risk assessment and remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination, CLR11, and a written report of the findings must be produced. The written report shall include:
 - a) A survey of the extent, scale and nature of contamination;

- b) An assessment of the potential risks to human health, property or the environment;
- c) An appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

The approved remediation strategy shall be implemented in its entirety in accordance with the approved details. Prior to the first occupation of any dwelling a Verification Report relating to that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on that part of the site were completed in accordance with the remediation strategy agreed by the Local Planning Authority.

- 13) No dwelling shall be occupied until a Travel Plan, which shall include notification of the appointed Travel Plan Co-ordinator for the development, is submitted to and approved in writing by the Local Planning Authority. The Travel Plan will detail:

- a) The key actions and timescale as outlined within Section 5 of the Residential Travel Plan Framework (TPF);
- b) An implementation timetable of the approved Action Plan
- c) How the Action Plan and the Management Measures as detailed within Section 4 of the TPF will be implemented throughout the lifetime of the development.

The approved Travel Plan shall be implemented in accordance with the implementation timetable.

- 14) No dwelling shall be occupied until a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit, is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling it is to serve, and thereafter made available for the use of vehicles at all times.

- 15) Before the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall provide the following details:
- a) A layout and species list for a newly created hedgerow and ponds;
 - b) Provision of bird and bat boxes within the development;
 - c) A list of ecological factors that are likely to influence the delivery of target habitat types that require management and monitoring;
 - d) The management prescriptions to maintain the created ponds, hedgerows and retained trees;
 - e) The body or organisation responsible for the implementation of the plan;
 - f) A scheme for the management of the approved LEMP throughout the lifetime of the development;
 - g) An implementation programme for both the long term and short term of the LEMP.

The LEMP shall be implemented in accordance with the approved details.

- 16) No works shall take place including soil stripping and vegetation clearance until a written scheme detailing Reasonable Avoidance Measures to be taken to protect reptiles and amphibians on the site has been submitted to

and approved in writing by the local planning authority. The approved scheme shall include but not be limited to, provision for the supervision of all works on the site by a suitably qualified ecologist. The development shall be carried out strictly in accordance with the approved scheme.

- 17) The existing playing field and training area shall remain accessible and available at all times for use as a playing field and rounders pitches until the replacement playing field, rounders pitches and ancillary training area are laid out and made available for use.
- 18) Prior to the commencement of development (excluding site remediation) a Scheme containing the detailed specification for the laying out, drainage and construction of the replacement playing field / pitches and ancillary training / recreation area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- a) provide mitigation measures to address the constraints identified in the Agronomy Report published by PSD Ltd dated 17th October 2018 and the approved Remediation Strategy.
 - b) Be prepared and implemented by an appropriately qualified sports turf specialist;
 - c) Include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment, maintenance regime, and a programme and timetable of implementation.
- The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the Scheme and made available for playing field use in accordance with the Scheme. Prior to development of the existing rounder's pitches and ancillary training area a verification report shall be submitted to and approved in writing by the Local Planning Authority confirming that the approved Scheme has been implemented in full.
- 19) No dwelling hereby approved situated adjacent to the replacement playing field shall be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, is submitted to and approved in writing by the Local Planning Authority. The approved ball stop mitigation shall be installed in full before any dwelling is first occupied and it shall be retained and maintained thereafter in accordance with the approved details.
- 20) Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) The undertaking of the scheme of intrusive site investigations, designed by a suitably qualified person, to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity.
 - b) The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary; including a layout plan which identifies the location of the opencast highwall(s).

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

21) The number of dwellings erected on the site shall not exceed 250.

Schedule B

- 1) The development hereby permitted shall begin no later than 2 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout Rev R; Proposed Sports Area Rev A; Proposed Sub Station dated Dec 18; Materials Distribution Plan Rev F; Boundary Treatments Rev B; Boundary Treatments Plan Rev J; Eldercot Rd/2/3B4PT3 Terrace of 3 Floor Plans and Elevations July 18; Eldercot Rd/2B4PT3 – House Type 70 Floor Plans and Elevations July 18; Eldercot Rd/2/3B4P70 – House Type 70 Terrace of 4 Floor Plans and Elevations July 18; Eldercot Rd/2B4P70 – House Type 70 Floor Plans and Elevations (semi-detached) July 18; Eldercot Rd/3B4P77 – House Type 77 Floor Plans and Elevations; Eldercot Rd/3B5P – House type 85 Floor Plans and Elevations; Eldercot Rd/4B6P95 – House type 95 Floor Plans and Elevations; Street Scene Elevations Rev B.
- 3) No development shall take place until a Phasing Plan and Schedule has been submitted to and approved in writing by the Local Planning Authority. The Plan and Schedule shall include details of the timing of the delivery of the replacement playing field, site access and each phase of housing. The development shall be undertaken in accordance with the approved Plan and Schedule.
- 4) No construction above ground shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a timetable for implementation. The development shall be carried out in accordance with the approved scheme.
- 5) No development shall commence until full details of the highway works to Eldercot Road comprising the repair and reinstatement of the footway/carriageway surfaces arising from the development shall be submitted to and approved in writing by the local Planning Authority. The approved details shall be fully implemented prior to the occupation of the first dwelling.
- 6) No construction above ground shall take place until full details of the highway works at the junction of Eldercot Road and Hulton Lane comprising of the highway improvement scheme as shown on Drawing No 2026-03 are submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling and shall be retained thereafter.
- 7) No development shall commence until details of the existing and proposed ground levels within the site and on adjoining land, including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be implemented in accordance with the approved details.
- 8) No demolition, development or stripping of soil shall be started until:

- a) The trees within or overhanging the site which are shown to be retained on the Tree Survey and Root Protection Area plan (drawing No. 5617.01) have been surrounded by fences of a type to be agreed in writing with the Local Planning Authority.
 - b) The approved fencing shall remain in place until the development is completed or unless otherwise agreed in writing with the Local Planning Authority and there shall be no work, the storage of materials, or placing of site cabins within the fenced areas.
- 9) No works shall take place including soil stripping and vegetation clearance until a written scheme detailing Reasonable Avoidance Measures to be taken to protect reptiles and amphibians on the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall include but not be limited to, provision for the supervision of all works on the site by a suitably qualified ecologist. The development shall be carried out strictly in accordance with the approved scheme.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) delivery, demolition and construction working hours;
 - i) construction vehicle routing and access.

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

- 11) Prior to the commencement of development, a site investigation, risk assessment and remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken in accordance with Model Procedures for the Management of Land Contamination, CLR11, and a written report of the findings must be produced. The written report shall include:
- a) A survey of the extent, scale and nature of contamination;
 - b) An assessment of the potential risks to human health, property or the environment;
 - c) An appraisal of remedial options and proposal for a preferred option. This should include details of testing methodology for any soil or soil forming materials to be brought onto site.

The approved contamination remediation strategy shall be implemented in its entirety in accordance with the approved details. Prior to the first occupation of any dwelling a Verification Report relating to that dwelling shall be submitted to and approved in writing by the Local Planning

Authority. The Verification Report shall validate that all remedial works undertaken on that part of the site were completed in accordance with the remediation strategy agreed by the Local Planning Authority.

- 12) No dwelling shall be occupied until a Travel Plan, which shall include notification of the appointed Travel Plan Co-ordinator for the development, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan will detail:

- a) The key actions and timescale as outlined within Section 5 of the Residential Travel Plan Framework (TPF);
- b) An implementation timetable of the approved Action Plan
- c) How the Action Plan and the Management Measures as detailed within Section 4 of the TPF will be implemented throughout the lifetime of the development.

The approved Travel Plan shall be implemented in accordance with the implementation timetable.

- 13) No dwelling shall be occupied until a scheme detailing how parts of the site to be used by vehicles are to be laid out, constructed, surfaced, drained and lit, is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any dwelling it is to serve, and thereafter made available for the use of vehicles at all times.
- 14) Before the commencement of development a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and carried out within 6 months of the occupation of any of the buildings in that part of the site in accordance with phasing details included as part of the scheme. All of the landscaping within the site shall be completed within 6 months of the final occupation of the last dwelling. Any trees and shrubs that die or are removed within 5 years of planting shall be replaced in the next available planting season with others of similar size and species.
- 15) Before the commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall provide the following details:
- a) A layout and species list for a newly created hedgerow and ponds;
 - b) Details for the provision of bird and bat boxes within the development;
 - c) A list of ecological factors that are likely to influence the delivery of target habitat types that require management and monitoring;
 - d) Details of the management prescriptions to maintain the created ponds and hedgerows;
 - e) Details of the body or organisation responsible for the implementation of the plan;
 - f) A scheme for the management of the approved LEMP throughout the lifetime of the development;
 - g) An implementation programme for both the long term and short term of the LEMP.

The LEMP shall be implemented in accordance with the approved details.

- 16) No dwelling shall be occupied until the access road(s), footway(s) and footpath(s) leading thereto have been constructed and completed in accordance with the approved Proposed Site Layout Rev R.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no fences or means of enclosure shall be erected forward of the front elevation of each dwelling other than those detailed on the approved Boundary Treatments Plan.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order) no extensions including dormers (other than those expressly authorised by this permission) shall be constructed on the rear elevation or rear roof plane of dwellings on plots 4 and 5, 108-120 (inclusive), 130 and 131 and 174-177 (inclusive).
- 19) The existing playing field and training area shall remain accessible and available for use at all times as a playing field and rounders pitches until the replacement playing field, rounder's pitches and ancillary training area are laid out and made available for use.
- 20) Prior to the commencement of development (excluding site remediation) a Scheme containing the detailed specification for the laying out, drainage and construction of the replacement playing field / pitches and ancillary training / recreation area as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) provide mitigation measures to address the constraints identified in the Agronomy Report published by PSD Ltd dated 17th October 2018 and the approved Remediation Strategy.
 - b) Be prepared and implemented by an appropriately qualified sports turf specialist;
 - c) Include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment, maintenance regime, and a programme and timetable of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the Scheme and made available for playing field use in accordance with the Scheme. Prior to development of the existing rounder's pitches and ancillary training area a verification report shall be submitted to and approved in writing by the Local Planning Authority confirming that the approved Scheme has been implemented in full.

- 21) Before the replacement playing field, rounders pitches and training area is brought into use, a Management and Maintenance Scheme for the facility, including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and the playing field, rounders pitch and training area maintained in accordance with the approved scheme.

- 22) No dwelling hereby approved situated adjacent to the replacement playing field shall be occupied until full details of the design and specification of the ball stop mitigation including details of management and maintenance responsibilities, is submitted to and approved in writing by the Local Planning Authority. The approved ball stop mitigation shall be installed in full before any dwelling is first occupied and it shall be retained and maintained thereafter in accordance with the approved details.
- 23) None of the dwellings hereby permitted shall be occupied until details of public art to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timeframe for installation. The public art shall be installed in accordance with the approved details and shall be retained thereafter.
- 24) Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) The undertaking of the scheme of intrusive site investigations, designed by a suitably qualified person, to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity.
 - b) The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary; including a layout plan which identifies the location of the opencast highwall(s).
- The development shall be carried out in accordance with the approved details.

End of Schedules