



## Appeal Decision

Site visit made on 12 March 2019

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 May 2019**

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**Appeal Ref: APP/B2002/W/18/3212774**

**Land at Brigsley Road, Waltham**

- 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 Steven Ibbotson, Cyden Homes Ltd against the decision of North East Lincolnshire Council.
  - The application Ref DM/1167/16/FUL, dated 14 December 2016, was refused by notice dated 29 March 2018.
  - The development proposed was originally described as "Hybrid application it include Full planning application for 194 Dwellings (Houses and Bungalows) and an Outline application for access of 5 Custom Build Plots on 0.8 Ha".
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### Decision

1. The appeal is allowed and planning permission is granted for a hybrid application to include full planning for 194 dwellings (houses and bungalows) and an outline application to erect 5 detached dwellings with associated works including foul pumping station, landscaping, public open space, parking areas and garaging at land at Brigsley Road, Waltham in accordance with the terms of the application, Ref DM/1167/16/FUL, dated 14 December 2016, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Mr Steven Ibbotson, Cyden Homes Ltd against North East Lincolnshire Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application is in hybrid form. It seeks full planning permission for 194 dwellings and outline permission for 5 plots that would be the subject of the reserved matters. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
4. The description of development in the banner heading above is taken from the submitted application form. Revised plans were submitted during the course of the application and the description was amended so that it concerned a hybrid application to include full planning for 194 dwellings (houses and bungalows) and an outline application to erect 5 detached dwellings with associated works including foul pumping station, landscaping, public open space, parking areas and garaging (Amended plans for layout, road details, landscaping and Transport Assessment - 24th November 2017). Accordingly, I have considered

the appeal on this basis and this is reflected in the description in my decision paragraph, excluding the superfluous elements.

5. Policy 2 of the North East Lincolnshire Local Plan 2013-2032 (2018) (LP), which is referred to in the Council's reasons for refusal, is now Policy 5. Hence, I have also considered the appeal on this basis.
6. The appellant submitted a planning obligation under Section 106 of the Town and Country Planning Act 1990 (Section 106 Agreement) during the appeal. The Council was given the opportunity to comment on this document and so I have taken it into account.
7. During the course of the appeal, an updated Revised National Planning Policy Framework (Framework) and the 2018 Housing Delivery Test results were published, which I have also had regard to. In the interests of fairness, the appellant and the Council were given the opportunity to comment on these matters.

### **Main Issues**

8. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of the neighbouring properties on, in particular, Elsham Drive, Chestnut Road and Brigsley Road by way of outlook, visual impact and privacy; and (iii) highway safety and the free flow of traffic.

### **Reasons**

#### *Character and Appearance*

9. The appeal site comprises parts of fields which, predominantly, have been in agricultural use. The site also contains an area of trees which are found fairly centrally. A public right of way (PROW) runs through part of the site. The site is located to the rear of properties on Brigsley Road and it abuts the existing built up edge of Waltham on 2 sides. In addition, a housing site which is under construction is located close to another boundary, along with an area of undeveloped land. The remaining boundary is more open as it adjoins further parts of the fields, a pond and land which is more open countryside in its character. The site has been allocated for housing under the LP.
10. The proposed number of dwellings would accord with the total site capacity of 199 that is set out in the LP allocation. Where the site is nearest to the countryside, a substantial tree planting strip is proposed, together with a lower density of development on the outline plots. This would soften the effects of the proposal on the character of the countryside, even with the loss of the area of trees within the site. Where the density would be higher it would be away from this more open boundary, towards the existing dwellings and built up areas in Waltham. In this regard, it would respond favourably to its edge of village location.
11. The proposal would not unduly affect the spacious pattern of development on Brigsley Road because the site is set to the rear of these dwellings. The outline plots would also reflect this character. The higher density of proposed dwellings would be well back from the nearest properties on Brigsley Road as they would be separated by the not insignificant length of their existing rear gardens. The proposal would also not lead to an undue coalescence of

Waltham and Brigsley because it would not extend beyond the dwellings that are alongside Brigsley Road.

12. The lower density of the outline plots and a public open space area would result in the layout not appearing overly intensive as the proposed dwellings along the main internal access road are approached from the Brigsley Road junction. The proposed siting of the dwellings close to the internal roads would have the effect of creating strong and active frontages in the streetscene. The mix of dwelling types would add to an overall pleasing character. Whilst the experience of the users of the PROW would change, much of the route would pass through the tree planting area and a further landscaped area, and so its visual impacts would not be to the level that it would render the proposal unacceptable.
13. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policy 5 of the LP where it concerns the size, scale, and density of the proposed development; and that proposals located within but adjacent to defined boundaries will be permitted where schemes respond to the nature and form of the settlement edge; the relationship between countryside and the settlement built-form; and opportunities to contribute to the network of green infrastructure. It would also comply with Policy 22 of the LP, which the Council has also referred to in its appeal statement, concerning good design in new development, as well as with the Framework in relation to achieving well designed places.

#### *Living Conditions*

14. The proposed dwellings along Chestnut Road and Elsham Drive are, in the main, bungalow properties. Some contain first floor accommodation that has been typically created by dormer roof extensions and rooflights, and first floor windows. The rears of these properties face towards the site over their rear gardens.
15. The majority of the nearest proposed dwellings to these properties would themselves be bungalows. Accordingly, the size of these proposed dwellings would not be over-dominating and would not result in unacceptable effects on the outlook from the rear of these properties and their gardens. Nor would this cause a sense of being overlooked, even though the proposed rear gardens that would back onto the existing properties would be fairly modest in size.
16. Where the proposed dwellings would be 2 storey, they would be further set back from the boundary. This would maintain satisfactory levels of outlook and not appear intrusive. The distances would also result in a reasonable separation so as to prevent undue overlooking from first floor windows. I am mindful that local residents currently benefit from an open aspect across the site in this direction and this would be undoubtedly impacted. However, the layout would adequately protect their living conditions and it would result in a relationship between the dwellings that would not be untypical in residential areas.
17. In relation to the properties on Brigsley Road, with the length of their rear gardens, the proposed terrace that would be nearest to these properties would also not appear over-dominating or intrusive. It would still permit a reasonable enjoyment of the use of these expansive gardens. In relation to

where an outline plot would border properties on Brigsley Road, living conditions would be able to be satisfactorily protected at the reserved matters stage.

18. I conclude that the proposal would not be unacceptable concerning the effect on the living conditions of the occupiers of the neighbouring properties on, in particular, Elsham Drive, Chestnut Road and Brigsley Road by way of outlook, visual impact and privacy. Therefore, it would comply with Policy 5 in relation to the impact upon neighbouring land uses, including by reason of disturbance or visual intrusion. It would also accord with the Framework where it concerns a high standard of amenity for existing and future users.

#### *Highway Safety*

19. The proposal would be accessed from a simple T junction arrangement that would be formed onto Brigsley Road. Traffic would be able to enter or leave the site in either direction. Concerning the predicted traffic generation levels, the appellant's transport assessments acknowledge there would be some adverse effects on key junctions within Waltham and beyond.
20. In order to mitigate these effects, a number of measures are proposed that would aim to encourage the use of transport modes other than the car. By reducing the associated traffic levels generated this is intended to lessen the effects on junction capacities and the associated driver delays. The measures include the provision of a bus stop, a zebra crossing, extending an existing footway, vehicle activated signage relating to adhering to the speed limit and the provision of dropped kerbs. The measures would facilitate the use of local bus services and access on foot to the range of services there are in Waltham, as well as concerning safety matters.
21. Such mitigation, in my view, would adequately address potential detrimental impacts on the capacity of the network arising from the additional traffic generated by the proposal. As these measures are concerned with reducing increases in traffic, this would also limit the associated impact on highway safety and amenity. This approach would also accord with the Framework where it states that it should be ensured that appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location.
22. Such an approach would not be unduly diminished by having footways down one side of the internal access roads within the site as this would still permit ready and accessible pedestrian use. The PROW in its current state beyond the site is not encouraging in relation to its use, but as footway access would be provided to Brigsley Road this is not, on its own, decisive. Nor would the lack of dedicated provision for cyclists, when the overall package of measures is considered.
23. In coming to these views, I have had regard to that the layout would result in Brigsley Road being the sole access and the intensity, or size, of the development in relation to the number of dwellings. These matters are accounted for in the traffic generation and movement figures that are before me. The access point itself, subject to the relocation of a cattery sign and the maintenance of the verge, would provide adequate visibility in both directions.

24. Matters have also been raised by the Council and WRAG in relation to the transport methodology and assessment that has been undertaken by the appellant. This has not, though, prevented me from coming to my conclusions, and I have had regard to the totality of the highways evidence that has been put to me.
25. I conclude that the proposal would not have an unacceptable effect on highway safety and the free flow of traffic. As such, it would comply with Policy 5 which states that all development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability, having regard to access and traffic generation, amongst other considerations. Similarly, the proposal would comply with Policy 36 of the LP, which the Council has also referred to in its appeal statement, as the mitigation would seek to ensure that it would have an acceptable impact on the network's functioning and safety, as well as in relation to promoting public transport.
26. It would also accord with the Framework where it concerns whether safe and suitable access to the site can be achieved for all users, and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Other Matters**

27. The Section 106 Agreement relates to the provision of affordable housing and public open space, and financial contributions for highways improvements and education facilities. The Section 106 Agreement binds the owner to covenants with the Council.
28. The affordable housing provision would constitute 20% of the proposed dwellings. This would be required in order for the proposal to comply with LP Policy 18. It would also accord with the Framework as regards the need to provide housing for different groups in the community, including those that require affordable housing, and with the expectation that it will be provided on site. The public open space provision relates to a plan concerning the management and maintenance of the proposed public open space in perpetuity. These matters meet the requirements of planning obligations in order for the proposal to gain permission. They meet the tests under the Framework.
29. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. These are the same tests as set out in the Framework. CIL also places limitations on the pooling of contributions.
30. A highway contribution of £93,000 would be secured towards the mitigation measures. Such a contribution would address the impact of the proposal with regard to highway safety and the proposal would be unlikely to be acceptable without it. It is reasonable for a contribution to be made to cover these costs, as it would be directly related to the development. I am satisfied this meets the tests of CIL and the Framework.

31. Education contributions would be made on the basis of £11,276.44 for every 4 qualifying houses for primary education and £16,991.48 for every 5 qualifying houses for secondary education. It would address matters from the proposal with regard to the effect on education provision and the monies would be spent on schools that children living on the site would be likely to attend. It would be required in order for the proposal to comply with LP Policy 6 in respect of its infrastructure requirements. It would also be directly related to the development and meets the tests of CIL and the Framework. I am also satisfied that it meets CIL pooling requirements.
32. In relation to other matters that have been raised, Waltham contains a number of services that offer a good range of local facilities and amenities, combined with good accessibility to the wider services available in the Grimsby-Cleethorpes urban area. This is reflected in its status as a Local Service Centre under the LP. The proposal would be in a suitable location concerning its accessibility to local services.
33. In respect of flood risk and drainage issues, an attenuation pond and swales have been included in the site layout to ensure that the run off from the site is controlled to an acceptable level to an outfall. Matters in relation to a detailed scheme for surface water drainage, as well as foul water disposal, can be addressed through the imposition of planning conditions.
34. A short distance of the boundary of the site also abuts the residential properties on Sterling Crescent. A cul-de-sac is proposed in this area. With the residential nature of the proposal and the number of dwellings proposed on the cul-de-sac, the effects caused by way of noise and disturbance, car lights and emissions would not have an unacceptable detrimental effect.
35. Similarly, as the proposed dwellings would be set off the boundary with the properties on Sterling Crescent, the broader effect on living conditions would not be unacceptable. With the siting of the proposed dwellings, their respective heights and positioning in relation to the boundaries with the neighbouring properties, the proposal would not result in the undue loss of sun and daylight.
36. The security of the neighbouring properties would be unlikely to be compromised, in particular, as the majority of the site boundaries would be enclosed by the gardens of the proposed dwellings, and due to natural surveillance and the boundary treatment. Where the PROW would be enclosed, it would also be overlooked by neighbouring properties to a reasonable degree. Any light pollution that would arise would be domestic in nature and not dissimilar to that already found in residential areas in the vicinity of the site.
37. With regard to the effects on local services, as I have set out above, a financial contribution is proposed towards local educational facilities that would accord with the LP. The open space provision would be commensurate with the proposal and it would not be unacceptable concerning ecological interests. In relation to minerals planning issues that have been raised, as I have set out, the site is allocated for housing under the LP. Notwithstanding matters that have been raised in relation to housing land supply, the Framework sets out that Government is committed to significantly boosting the supply of homes. The proposal would accord with this objective. The results of the Housing Delivery Test do not alter my conclusion.

38. The allocation does not, in itself, amount to a 'de facto' approval. Nevertheless, I have found the proposal not to be unacceptable as regards the concerns which the Council has raised in its reasons for refusal, as well as those raised by WRAG and other interested parties. It accords with the development plan policies, when taken as a whole. The balance of the evidence weighs in favour of the proposal.

### **Conditions**

39. I have imposed conditions which concern the statutory time limits and the reserved matters, to reflect the hybrid nature of the proposal (1 to 4), as well as in the interests of certainty to reflect the plans that my decision is based upon (5). I have also imposed conditions to provide for satisfactory drainage in the interests of minimising flood risk (6,7).
40. In the interests of protecting the character and appearance of the area, I have applied a condition in relation to full landscaping details (8). This condition is also necessary as the landscaping details that are before me, whilst providing sufficient assurance that this matter can be satisfactorily addressed, does not constitute a detailed scheme. The implementation of the landscaping is a matter between the parties under the condition. Conditions are also required concerning works to the PROW in the interests of its recreational use (9), relating to biodiversity (10) and to protect the living conditions of the occupiers of the neighbouring properties (11). In this regard, the Council also requested final details of the boundary treatment. This is already contained within the full landscaping details condition that I have imposed.
41. A condition concerning construction matters is also imposed in the interests of protecting the living conditions of the nearest residents and for highway safety reasons (12). Matters in relation to the expected number, types and size of vehicles during the entire construction period would be adequately addressed by the construction traffic management plan that forms part of this condition.
42. Details of the external materials of the proposed dwellings are required in order to protect the character and appearance of the area (13). A condition is also imposed to encourage the use of more sustainable transport (14) and there is no substantive reason why this should only apply to dwellings with a garage. A condition is also imposed in the interests of public health concerning land contamination (15 to 19), including dealing with unexpected contamination as this is necessary, if this situation was to arise. I have also applied a condition concerning highways matter, in the interests of highway safety, excluding details that are already before me (20), and to further encourage the use of sustainable travel modes (21).
43. I have applied pre-commencement conditions concerning construction (12), land contamination (15-19) and highways matters (20) as these need to be agreed prior to the development commencing, given the nature of these issues and the site circumstances. Hence, there is a clear justification.
44. The Council also requested a condition that concerned an air quality assessment. There is no substantive evidence before me, though, that establishes why in this location this would be reasonable and necessary. Hence, it would not meet the tests for a planning condition. Nor have I applied a condition that removes permitted development rights as the advice in the Planning Practice Guidance states this should only be used in exceptional

circumstances. Whilst the site borders existing residential properties, the relationship and proximity between the proposed and existing dwellings would not justify the removal of these rights.

45. Matters have been raised in relation to the timing and phasing of works. These can be addressed through the implementation details to be agreed between the appellant and the Council that are set out in a number of conditions, as well as where conditions reflect the hybrid nature of the proposal. Where I have altered the wording of the remaining conditions put forward by the Council I have done so in the interests of precision, limiting matters which need to be agreed pre-commencement and without changing their overall intention.

### **Conclusion**

46. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR

### **Schedule of Conditions**

- 1) The development of the 194 dwellings hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Details of the access, appearance, landscaping, layout, and scale for the 5 Custom Build Plots (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development subject of the reserved matters takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) 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.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 155 A0 002F Proposed Site Layout; 155 A0 004C Proposed Landscaped Layout; 155 A0 011A Massing and Separation distances plan; 155 A1 030C Entrance Road; 155 A1 031B Road Details; 155 A1 101 Plots 1, 11; 155 A1 102A Plot 7; 155 A1 103 Plots 10, 134; 155 A1 104A Plots 123, 124, 125, 126; 155 A1 105 Plots 5, 14; 155 A1 106A Plots 9, 133, 155, 157; 155 A1 107A Plots 6, 8, 186; 155 A1 108A Plots 27, 131, 135; 155 A1 109 Plots 4, 19, 33, 152, 156, 164, 179, 189; 155 A1 110A Plots 12, 25, 87, 116, 132, 150, 163; 155 A1 111 Plots 3, 24, 100, 153, 154; 155 A1 112 Plots 2, 13, 23, 26, 32, 99, 101, 151, 158, 159, 180, 188, 190; 155 A1 113 Plots 20, 149, 187; 155 A1 114 Plots 21, 88; 155 A1 115A Plots 181, 182; 155 A1 116 Plots 17, 18, 28, 162; 155 A1 117 Plots 30, 147, 160, 29; 155 A1 118A Plots 15, 16, 22, 31, 145, 146, 148, 161; 155 A1 119A Plots 183, 184, 185; 155 A1 120 Plots 54-55, 89-90, 97-98, 102-103, 191-192, 193-194; 155 A1 121 Plots 119-122, 127-130; 155 A1 122A Plots 52-53, 56-57, 169-170, 85-86, 136-137; 155 A1 123A Plots 117-118, 143-144, 165-166, 167-168; 155 A1 124 Plots 71-76, 104-109; 155 A1 125 Plots 77-80, 81-84, 91-92; 155 A1 126 Plots 93-94, 95-96; 155 A1 127 Plots 112-115, 138-142; 155 A1 128 Plots 39-42, 48-51, 58-61, 62-65; 155 A1 129 Plots 34-38; 155 A1 130 Plots 43-47; 155 A1 131 Plots 66-70; 155 A1 132 Plots 171-174, 175-178; 155 A1 150A Garages sheet 1; 155 A1 151A Garages sheet 2; 155 A1 152A Garages sheet 3 Pump station; 155 A3 28A Location Plan.
- 6) No development of the 194 dwellings hereby permitted shall commence until final surface and foul water drainage details to include the agreement of final discharge rates, a schedule for implementation and details of the pumping station, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details and the agreed schedule for implementation and thereafter be maintained.
- 7) No development of the 5 Custom Build Plots hereby permitted shall commence until surface and foul water drainage details and a schedule for implementation have been submitted to and approved in writing by the local planning authority in pursuant of the reserved matters. The drainage works shall be carried out in accordance with the approved

details and the agreed schedule for implementation and thereafter be maintained.

- 8) No development of the dwellings hereby permitted shall commence until final details of landscape works in accordance with 155 A0 004C Proposed Landscaped Layout have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) details of the woodland strip and open space areas
  - ii) earthworks showing existing and proposed finished levels or contours;
  - iii) details of all boundary treatments; and
  - iv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 9) No development of the dwellings hereby permitted shall commence until details of the surfacing works to public footpath 72 as it runs through the site have been submitted to and approved in writing by the local planning authority. Details shall include an implementation programme. The footpath works shall be carried out in accordance with the approved details and the agreed implementation programme and thereafter be maintained.
- 10) No development of the dwellings hereby permitted shall commence until details of the ecological enhancement and an implementation programme to follow the principles established in the Scarborough Nixon Ecological Report dated July 2015 have been submitted to and approved in writing by the local planning authority. The ecological enhancement shall be carried out in accordance with the approved details and the agreed implementation programme and thereafter be maintained.
- 11) No development of the dwellings hereby permitted shall commence until full details of the finished levels, above ordnance datum, of the ground floor and finished floor levels of the proposed building, in relation to existing ground levels and the relationship to the existing adjacent development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels and thereafter be maintained.
- 12) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) storage of plant and materials used in constructing the development;
  - iii) wheel washing facilities;
  - iv) measures to control the emission of noise, vibration and dust during construction;
  - v) a construction traffic management plan;
  - vi) safe working methodologies in relation to Public Footpath 72;
  - vii) delivery, demolition and construction working hours; and

viii) contact details of the person with responsibility for the implementation of the CMS.

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

- 13) No development of the dwellings hereby permitted shall take place until samples of the external roof and wall facing materials have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details prior to the occupation of the dwelling hereby permitted to which it relates and thereafter be maintained.
- 14) No development of the dwellings hereby permitted shall take place until a scheme to allow for the future inclusion of individual electric car charging points for each property has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the details approved prior to the occupation of the dwelling hereby permitted to which it relates and shall be so retained thereafter.
- 15) Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 16 to 19 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 19 has been complied with in relation to that contamination.
- 16) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

- 17) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken,

proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 18) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.
- 19) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 18.
- 20) No development shall take place until the following highway details on plans to a scale of at least 1/500 have been submitted to and approved in writing by the local planning authority:
  - i) the proposed layout of the carriageways and footways on the development;
  - ii) the wearing course materials proposed for the carriageways and footways;
  - iii) cross sections;
  - iv) the highway drainage system;
  - v) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
  - vi) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority; and
  - vii) an implementation schedule for the highway works.The highway works shall be carried out in accordance with the approved details and the agreed implementation schedule and thereafter be maintained.
- 21) No development of the dwellings hereby permitted shall take place until a Revised Residential Travel Plan (RTP) and an implementation schedule has been submitted to and approved in writing by the local planning authority. The dwellings hereby permitted shall then be occupied in accordance with the measures approved in the RTP and the implementation schedule.