



Appeal Decision

Site visit made on 19 August 2019

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/C1570/W/18/3218383

Commercial Centre, Ashdon Road, Saffron Walden CB10 2NH

- 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 Turnstone St Neots Ltd; against the decision of Uttlesford District Council.
 - The application Ref UTT/17/3413/OP, dated 23 November 2017, was refused by notice dated 24 July 2018.
 - The development proposed is outline permission with all matters other than access reserved for the erection of up to 55 dwellings, up to 3,650 m² of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940 m²) and the erection of up to 335 m² of A1 floor space (with the net retail sales area not to exceed 279 m² GIA) together with associated open space, landscaping, parking and supporting infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 55 dwellings, up to 3,650 m² of B1, B2 and or D2 floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940 m²) and the erection of up to 335 m² of A1 floor space (with the net retail sales area not to exceed 279 m² GIA) together with associated open space, landscaping, parking and supporting infrastructure at Commercial Centre, Ashdon Road, Saffron Walden CB10 2NH in accordance with the terms of the application, Ref UTT/17/3413/OP, dated 23 November 2017, the plans and reports submitted with it and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal is in outline with matters relating to appearance, landscaping, layout and scale reserved for future consideration. I have therefore taken account of the plans, other than the proposed access point, only in so far as they are relevant to the principle of the proposed uses on the site.
3. A new Uttlesford Local Plan is under preparation. The Regulation 19 Pre-Submission Local Plan was consulted upon in 2018 (the emerging Plan). In accordance with the National Planning Policy Framework 2019 (the Framework) I have given it appropriate weight in terms of its stage of preparation and the degree of consistency of the relevant emerging policies with the Framework.

Main Issue

4. The main issue is the effect of the proposed development on the provision of employment land in the District.

Reasons

Employment land on the site

5. The appeal site is within the development limits of Saffron Walden where Policy S1 of the Uttlesford Local Plan 2005 (the 2005 LP) seeks to direct development. It is previously developed land and is part of the larger Ashdon Road Commercial Centre which was safeguarded as an existing employment area under Policy SW6 of the 2005 LP. Nevertheless conditional planning permission for mixed use re-development was given in 2014¹ (the 2014 permission) in accordance with an approved Land Use, Landscaping and Phasing Parameter Plan Ref 585.02/17F. Although the appeal proposal is a standalone outline application, the 2014 permission is a material consideration as it provides a baseline of permitted uses. It granted permission for residential development on the western part of the site and mixed commercial uses on the eastern part, to include a new building for Ridgeons, a large independent timber and builders' merchants, B1 offices, research and development and light industrial; B2 general industrial; other B8 storage and distribution uses²; and a local centre of restaurant and/or public house, hotel and local store.
6. Phased residential development is under construction. The new Ridgeons premises, including parking and outside storage areas, is completed and operational. All the redundant buildings have been cleared; and it appears de-contamination and servicing of the commercial land parcels Phases 1 and 3 have taken place. The access to Ashdon Road and a bus turn around area with bus stop have been constructed earlier than envisaged by the original phasing of the overall development under the 2014 permission.
7. The description of development for the 2014 permission specified the hectares for each type of use. As the proposal was in outline, full details of the proposed buildings were not submitted at that time but the accompanying Planning Statement September 2013 (the 2013 PS) provided supporting information. This included a Table of thresholds at Paragraph 2.4 (the disputed Table). The parties disagree about the interpretation of this Table and therefore about the baseline for employment uses for planning policy purposes since then.
8. In terms of overall land supply the Council estimates that the loss of employment land would be approximately 2ha which I find to be not dissimilar to the applicant's figure of 1.89ha. The dispute centres more on the fourth entry in the disputed Table which refers to "B1 and/or B2 and/or B8" on 1.16 ha of land with maximum sqm floor areas stated in the last column as 3225 (B1); 2926 (B2) 3750 (B8). The Council considers these should be added together, which would give a substantially higher amount of permitted commercial floorspace, whereas the appellant considers they are in the alternative.

¹ UTT/13/2423/OP

² Town and Country (Use Classes) Order 1987 as amended

9. I find anomalies and lack of clarity in the information relating to the 2014 permission. The amount of commercial land set out in the description of development for the 2014 permission appears to be less than that in the disputed Table (the discrepancy appears to be in relation to the 0.4ha of B1 offices and or research and development and/or light industrial shown in the disputed Table). Moreover the disputed Table could have been more clearly expressed and I note that the version of this Table in the Appeal Statement at Paragraph 3.03 now includes the words "*in the alternative*". Paragraph 2.3 of the 2013 PS refers to uses in the alternative to provide flexibility in the parcel identified as B1, B2 and/or B8 " *...for any or all of the uses described up to the maximum stated floor space.*" It is not entirely clear which maximum is being referred to here. Reference is also made by the Parties to an error in the appeal proposal submissions. This appears to relate to the omission of the 115 sqm offices which forms a separate entry line in the disputed Table.
10. The total maximum floor area in the disputed Table is given as a range which would not be the case if the floor areas were intended to be added together. Moreover, even taking into account the possibility of mezzanines and basements it seems unlikely that the amount of the totalled floor space envisaged by the Council could be satisfactorily accommodated within a 1.16ha site. The Transport Assessment 2013 uses a commercial floorspace within the range of the total floorspace in the disputed Table and significantly less than the floorspace now asserted by the Council. Paragraph 7.21 of the Council's Commercial Workspace Study April 2015 (the 2015 Study) indicates that the expected redevelopment would generate some 13,200 sqm of floorspace. Taking these matters into account, on the balance of probabilities, I consider the maximum floor space baseline under the 2014 permission to be in the range of 12,183 to 13,007 sqm and the maximum commercial land to be in the range 3.74 to 4.14ha.
11. A site for A1 and D2 (possibly a gym) uses remains part of the proposals. The commercial areas at Phases 3 and 5 on Plan Ref S035/P104 Revision P2, in total some 1.89ha, would be replaced by housing. The appeal proposals seek up to 3985 sq. m commercial space³. Adding the Ridgeons floorspace of 5,939 sqm already built (some 2198 sqm larger than stated in the disputed Table) amounts to a total of 9,924 sqm. This would be between 2259 and 3083 sqm less than the maximum totals in the disputed Table.
12. The Council considers that the provision of commercial units rather than just commercial land is required under the 2014 permission. I find this is not an unreasonable expectation as Paragraph 1.4 of the 2013 PS states "*... the mixed use redevelopment that includes ... replacement commercial floor space to replace existing commercial buildings...*" Paragraph 6.35 also appears to indicate that part of the high front end costs would include those "*...to deliver replacement buildings for Ridgeons to occupy (in the case of their own building) and let, (in case of all the other buildings.)*" Paragraph 6.387 adds that "*...by releasing part of the site for residential use sufficient value can be generated to support the delivery of the new commercial buildings on the remainder of the site.*"

³ 3,650 m2 of B1, B2 and or D2 (assembly and leisure use class) floorspace in the alternative, (with the maximum GIA of the D2 floorspace not to exceed 940 m2) and the erection of up to 335 m2 of A1 retail floor space.

13. However, neither the proposed conditions nor the obligations under the 2014 s106 Agreement appear to require the construction of units in the absence of committed occupiers although the latter refers to the provision of serviced plots as a minimum as does the Landscape and Phasing Parameter Plan Ref 585.02/17F. Accordingly, although I acknowledge the Council's expectations, I see no evidence that the requirements of the 2014 permission have been breached in this respect.
14. Due to the overall loss of employment land, both by the amount of land and the amount of floor space that could be provided, I conclude the proposed development would conflict with Policies E2 and SW6 of the LP which seek to safeguard employment land. Although the Ashdon site is not listed in Appendix 6 of the emerging Plan as a protected employment area the Council indicates this is a drafting error and this may be amended as the emerging Plan proceeds.

Employment Land Supply

15. Paragraph 5.17 of the emerging Plan identifies a total offices and industrial land requirement during the Plan period of 24-27ha with an associated floor space of 106,100 sqm. The draft allocations substantially exceed this and more employment land would be likely to come forward at the three proposed Garden Communities albeit not for some time into the future. The Report for the Council "Ensuring Robust Employment Evidence for the Uttlesford Local Plan" (Hardisty Jones Associates, September 2018) confirms that the quantum of employment floor space predicted to come forward through the emerging Plan outstrips the employment land targets.
16. Policy E2 of the LP allows for the deployment of other uses outside key employment areas where the employment use has been abandoned or harms the area which is not the case here. Policy EMP2 and Appendix 5 of the emerging Plan contain less restrictive criteria for assessing non-employment uses on existing industrial estates. The emerging Plan is not yet adopted and is subject to change, but such a criteria based approach would more accord with Paragraph 120 of the Framework. This requires planning policies and decisions to reflect changes in the demand for land and support applications for alternative uses where the proposed use would contribute to meeting an unmet need for development in the area.

Marketing

17. The site has been marketed over a lengthy period of time for a range of commercial uses. The Officer report states at Paragraph 9.15 that it appears to have involved different methods of marketing at site, local and national level and seems to be a reasonable test of the market for commercial space.
18. Further marketing has taken place since then but interest has been limited particularly in the land to the rear of the site. I acknowledge there is interest in sites elsewhere in the area, including for a care home and hotel, but this does not mean that the Ashdon location would be appropriate for them. Encouragingly, since the refusal was issued interest from a joinery firm for the front of the site has proceeded to application stage UTT/19/0957/FUL and the Council has resolved to grant conditional planning permission subject to obligations in respect of a travel plan. It appears that a plant hire company

operating in the Ridgeons building are also considering building their own premises at the front of the site.

19. The 2015 Study indicated that, whilst there is a market for local businesses seeking to relocate nearby, the commercial market in Saffron Walden is currently slow. Reasons given include: difficulty in accessing the M11 and the A120; much of the stock is older and no longer fit for purpose; obtainable rents are low; there are other available vacant premises and an oversupply of B1(c)/B2/B8 accommodation; and, whilst there is a shortage of good office accommodation, the achievable rents would be well below the costs of providing it. Other evidence⁴ indicates the market is strongest near Stanstead and the A120; vacancy rates contracted between 2009-2016; land allocations exceed expected demand; and there is difficulty in delivering approved employment sites.
20. The 2016 Report found there are likely to be significant difficulties with the delivery of B class floor space on the appeal site. The recommendation in the Report is that proactive steps should be taken by the Council to facilitate the delivery of the consented floor space. The evidence indicates that no such intervention has been made and that in 2017 the Council decided it would not assist with/invest in the site.
21. The Council have accepted that the proposed hotel would be unlikely to proceed given an alternative has been approved elsewhere. Concern has been raised that: the rents being sought for the other commercial uses on the site are excessive; the appellant has not been helpful to potential future occupiers; former tenants have been displaced and businesses have been lost from the area; and that the existence of the 2014 proposal indicates there was a demand for all of the commercial uses proposed then. However, it appears that tenants were paying low rents for the previous buildings which were in poor condition and not financially viable to upgrade. To enable re-development the buildings had to be vacated. It would not be reasonable to expect new commercial buildings to be offered at the same low rents. Such circumstances can be the unfortunate result of renewal of older commercial premises.
22. The Updated Marketing Report 2018 (the 2018 Report) advises that prior to the 2014 application only a desk-top study was carried out and this indicated there would be a demand for a commercial scheme as proposed. However, until the 2014 permission was in place, the market's reaction to the site could not reasonably be tested. Subsequent marketing has found insufficient interest to accommodate the scheme in its entirety.
23. The marketing materials do not specify pricing. This is discussed once potential occupiers proceed from the initial enquiries although it appears the vast majority do not proceed this far. The Report provides comparable information, in so far as it is available: the pricing structure appears to be in line with this and the Council has provided no detailed evidence to challenge it. I acknowledge the reservations expressed about the helpfulness or otherwise of the appellant towards future occupiers. However, the evidence of this is limited and appears somewhat circumstantial. In the balance of probabilities I conclude overall that the market assessment undertaken is sufficient to meet

⁴Including the Annual monitoring Report 2011; Employment Land Review Report April 2011; The Property Delivery Advice Report 2016 (the 2016 Report); Employment Land Review 2017

the criteria of Policy EMP2 and Appendix 5 of the emerging Plan. In light of this there would seem to be little benefit in exploring other B class mixes before considering residential uses.

Provision of employment land in the District

24. There would be an overall reduction in the amount of employment land at the site and, even though more intensive development might take place on the retained employment areas, there would be likely to be an overall reduction in the amount of floor space that could be provided and this could lead to fewer jobs being available on the site. However, marketing indicates limited demand for the permitted commercial areas and that the greater demand in the District is elsewhere. The Council do not object in principle to the overall mix of the proposed commercial uses including the gym but is concerned that the remainder of the employment land would not come forward in the future. However, the acceptability of alternative uses could be assessed against circumstances at the time should such proposal come forward.
25. Fewer jobs on site could lead to further travel to work for residents of the adjoining houses. However, it is unlikely that these residents would all be employed on the site and the retained commercial areas would provide a sufficient sustainable community provision of employment. For the purposes of this appeal, the evidence indicates a likely over supply of employment land for the District as a whole. Taking all the above into account I conclude there would be a very limited harmful effect on the overall provision of employment land in the District.

The residential proposals

26. The Council cannot demonstrate a five year deliverable supply of housing land for this appeal. However, the evidence indicates that new housing is being delivered and that the Housing Delivery Test results 2018 indicate a rate of 147% of requirements over the last three years which meets the requirements of Paragraph 11 of the Framework. There are housing development sites under construction and with planning permission elsewhere in Saffron Walden. Nevertheless the proposal would enable much needed housing on a readily available serviced site, of which 40% would be affordable, thus adding to the available local stock.
27. As the proposal is in outline details of the sizes and appearances of the proposed buildings is reserved for future consideration. However, Plan S061/P3003 Revision pl1 sets parameters for buildings heights. The dwellings would be a mix of houses, some with accommodation in the roof, flats and other flats over the retail premises overall three storeys high. The commercial buildings would be up to two storey with a maximum height of 9.5m. The proposed commercial building at the front of the site would be prominent from the junction of the estate access and Ashdon Road. However, there is substantial vegetation along the frontage of most of Ashdon Road and with good design and appropriate landscaping a balance can be drawn between the visibility needed for commercial reasons and the effect on the street scene.
28. Saffron Walden Town Council objects to the creation of an access across a permitted area of public open space which it is due to adopt under the 2014 s106 Agreement. The appellant states that rights of access across this are reserved and I see no reason to doubt this.

29. The Council has raised concerns that some of the proposed dwellings would appear cramped with awkward gardens. However, these matters could be addressed at the reserved matters stage. The proposed dwellings on the former Phase 1 land appear to face towards the Ridgeons premises rather than towards the permitted housing. This may be addressable at reserved matters stage but in any event the proposals include separation of the different uses by way of the residential access and landscaping. The dwellings proposed for the former Phase 5 land would be somewhat isolated from the remainder of the houses and at a higher level. However, there would be sufficient dwellings to enable a small sociable community and there would be a small area of shared open space.
30. Access to day to day services and facilities for future residents would be acceptable and the 2014 permission has provided infrastructure including bus turnaround and bus shelter within the site, which would be retained, and footpath and cycle routes. The proposed landscaping and retention of the landscaped mound to the north of the site would help to deliver some additional environmental benefits. The Council have raised no objections in relation to highways, accessibility, landscape, ecology, flood risk, drainage, contamination, effect on the CHL pipeline or archaeology. From the evidence I see no reason to reach any different conclusions on these matters.

Planning Obligations and Conditions

31. I have considered the submitted Unilateral Deed of Undertaking under s106 (the Undertaking) and the conditions proposed by the Parties in the light of Paragraph 56 of the Framework, the National Planning Practice Guidance (the PPG) and Regulation 122 of the Community Infrastructure Regulations 2010 (the Regulations).

The Undertaking

32. Policy GEN6 of the LP requires that provision is made at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development.
33. The submitted Undertaking has been signed by Ridgeon Properties Limited, the current owner of the appeal site, and the Trustees of the Ridgeon Group Pension and Life Assurance Scheme, who benefit from a charge over the appeal site. I am advised that it has not been possible to join the second chargee, Lucid Trustee Services Limited, (Lucid) to the Undertaking as Ridgeons are currently undergoing a reorganisation that will result in the site being transferred to a new company (SW Newco Limited). SW Newco is a subsidiary of Ridgeons and the transfer comes about as a result of the sale earlier in the year of the Ridgeons business. When that transfer takes place, the charge in favour of Lucid Trustee Services Limited will be released and they will no longer have an interest in the appeal site.
34. The appellant has proposed that a negatively worded condition requiring that all parties with an interest in the appeal site must have entered into a s106 in the same form as the submitted Undertaking prior to commencement of the development could be imposed. This would ensure that Lucid would be bound by the s106 before development is commenced to the extent that they still had an interest in the Site at that point. To the extent that this requirement is not

- complied with, the Council would be able to enforce the condition so as to prevent the development proceeding.
35. The PPG advises that no payment of money or other consideration can be positively required when granting planning permission. However, where the tests of the Framework and Regulations would be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)⁵. The use of such a condition is unlikely to be appropriate in the majority of cases. However, in this case, there are exceptional circumstances in relation to land interests that would otherwise put the delivery of a large development at serious risk. The Council have had the opportunity to comment on this but no objections have been raised. In the circumstances I consider this to be an appropriate way forward.
36. The Undertaking makes provision for a number of obligations. I consider these below.
37. The scheme includes public open space for future residents to meet the requirements of Policy GEN2c of the LP. Provision for future maintenance would be directly related to the development, necessary to make the development acceptable and fairly and reasonably related in scale and kind to the proposed development. Such provision would therefore meet the appropriate tests of the Regulations (the three tests).
38. In order to reduce reliance on the private vehicle a Travel Plan is necessary. The Undertaking includes provision for a range of associated measures and I consider these together meet the requirements of Policy GEN1e of the LP and the three tests.
39. The evidence indicates a need for additional education facilities for children of all ages who would live at the proposed development. Such provision would meet the requirements of Policy GEN6 of the LP and I am satisfied that the contributions sought would meet the three tests.
40. Healthcare contributions were secured as part of the wider 2014 application. Although the Health Authority were consulted about the planning application which is the subject of this appeal the associated Officer Report states no comments were received at that time. I understand that appellant included provision in the Undertaking following advice from the Council that a late request for a healthcare contribution had been received. However, I have seen insufficient evidence of the need in relation to this particular proposal to conclude that the obligation would meet the three tests. Accordingly the obligation will not be enforceable pursuant to Clause 5.3 of the Undertaking.
41. The Town Council has indicated a need for local community facilities and I understand that the wider 2014 application may have displaced an informal sports pitch. The Officer Report did not identify such a need. I note that the Council now considers it would be sensible for some form of contribution to be provided for recreation subject to the identified need being demonstrated by

⁵ Paragraph: 005 Reference ID: 21a-005-2019 0723 Revision date 23 July 2019

the Town Council and the amount to be agreed. However this does not constitute the robust evidence needed to demonstrate compliance with the three tests. Accordingly although the appellant has included provision for community facilities this obligation will not be enforceable pursuant to Clause 5.3 of the Undertaking.

42. The Undertaking provides for 40% of the proposed new housing to be affordable. This would meet the requirements of Policy H9 of the 2005 LP and would meet the terms of the Framework.
43. The PPG makes it clear that local planning authorities can charge a monitoring fee. In this case I consider that the proposed fee is proportionate and reasonable.
44. Whether or not there are breaches of the 2014 s106 Agreement is a separate matter between the Parties.

Conditions

45. I have considered the conditions proposed by the Parties. Where necessary, I have changed some wording to make the conditions clearer; to accord with to more closely align with the PPG; to delete repetition; and to refer to updated evidence.
46. Conditions 7 and 10 as proposed by the Council, related to pedestrian and cycle access onto Ashdown Road and associated signage, are not necessary as these have been constructed as part of the development on the adjacent land.
47. Conditions 8, 21 and 23 as proposed by the Council related to parking, external materials and landscape. These are matters which can properly be dealt with at the reserved matters stage so I have deleted them. However, for the avoidance of doubt a condition is necessary to ensure they are covered in any reserved matters application(s). I have deleted Condition 20 in relation to future Air Quality and Highway Assessment as it is not clear what is intended or necessary.
48. The standard conditions specifying the time limits for submission of reserved matters and commencement of development are necessary to provide certainty. As set out above a condition is necessary to ensure all relevant interests are bound by the developer obligations set out in the s106 Undertaking.
49. Control of air quality during construction; control of noise and dust mitigation from future plant/machinery; a Construction Traffic Management Plan; and identification and amelioration of any contamination or gas; are necessary in the interests of health and safety and the convenience of occupiers of nearby land and buildings. In view of the proximity of the CHL pipeline it is also necessary for appropriate secondary access to be available in the event of an emergency and this should be addressed at the reserved matters stage.
50. Provision of flexible accessible homes is necessary in the interests of future housing needs. Provision of electronic vehicle charging points is necessary to provide access to more sustainable forms of transport.
51. Control of external lighting and implementation of the proposed ecological mitigation and enhancement measures are necessary in the interests of

biodiversity. Control of drainage on the site, including pollution control measures, are necessary to reduce the risk of flooding and to protect water quality.

Planning Balance and Conclusion

52. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise⁶.
53. I have found that the loss of employment land would conflict with Policies E2 and SW6 of the LP. However, Policy EMP2 and Appendix 5 of the emerging Plan contain less restrictive criteria for assessing non-employment uses on existing industrial estates. Whilst the emerging Plan is not yet adopted and is subject to change, such a criteria based approach would more accord with Paragraph 120 of the Framework. This requires planning policies and decisions to reflect changes in the demand for land and support applications for alternative uses where the proposed use would contribute to meeting an unmet need for development in the area. I have found on balance that the market assessment undertaken is sufficient to meet the criteria of Policy EMP2 and Appendix 5.
54. I have found there would be a very limited harmful effect on the overall provision of employment land in the District. The proposed development would provide much needed housing including affordable housing and I give this significant weight. On balance I consider that these material considerations outweigh the conflict with Policies E2 and SW6 of the LP. The appeal is allowed.

S Harley

INSPECTOR

⁶ Section 38 of the Planning and Compulsory Purchase Act 2004

Schedule of Conditions

1. Details of the layout, scale, landscaping and appearance (hereafter 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 the expiration of 3 years from the date of this permission.
3. Any reserved matters application(s) for the site or any plot or phase shall include parking to meet the relevant standards in place at the time the application is determined; details of the external finishes for each building; a programme for the implementation and retention of all hard and soft landscape areas; and a scheme to ensure an appropriate secondary access to/from the residential areas in view of the proximity of the CHL pipeline.
4. No development shall take place on the land bound by the Deed of Undertaking given to Uttlesford District Council and Essex County Council by Ridgeon Properties Limited, Frank Albert Attwood, Amanda Helen Joan Smith, Robert William Butler and Michael John Symons (the Trustees of the Ridgeon Group Pension and Life Assurance Scheme) dated 5 October 2019 ("the Deed of Undertaking") unless and until all parties with any legal or equitable interest (including but not limited to mortgagees and chargees) in the land bound by the Deed of Undertaking have entered into a Deed under Section 106 of the Town and County Planning Act 1990 (as amended) in a form approved by the Council and consistent with the terms of the Deed of Undertaking with the effect that all interests in the land bound by the Deed of Undertaking are bound by the obligations contained in that Deed of Undertaking.
5. Before the commencement of development on a plot or phase, a detailed scheme relating to measures to protect neighbouring residents' air quality during the construction of that plot or phase shall be submitted to and approved in writing by the Local Planning Authority and the development shall be thereafter implemented in accordance with the approved scheme.
6. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
7. No fixed external lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall include measures to ensure the lighting is designed in such a way to minimise any

potential impacts upon nocturnally mobile animals. The external lighting shall thereafter be erected, installed and operated in accordance with the approved details.

8. Before the commencement of development on a plot or phase, a Construction Traffic Management Plan for that plot or phase shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This document should state how construction traffic for that plot or phase will be managed including (but not exclusively) the management and provision of the following items:
 - a) Suitable access arrangements to the plot or phase in connection with the construction of the development,
 - b) wheel cleaning facilities for the duration of the development on that plot or phase to prevent the deposition of mud and other debris onto the highway network/public areas,
 - c) turning and parking facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
 - d) Routing and timing of construction traffic, which should be discussed in advance with the Highway Authority, to minimise impact on the local community.

The development on that plot or phase shall be implemented in accordance with those approved details.

9. Before the commencement of development on a plot or phase a scheme for the provision of electronic vehicle charging points at all properties with garages and within the commercial car parking areas for that plot/phase shall be submitted to and approved in writing by the Local Planning Authority. Development at that plot/phase thereafter shall be in accordance with the approved scheme.
10. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:
 - a) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken across the different phases of the site.

11. Prior to occupation of any building hereby permitted, the results of Additional Gas Monitoring Programme, to encompass periods of declining atmospheric pressure and post-precipitation, shall be submitted to and approved by the Local Planning Authority in order to inform a final Remediation Strategy and Verification Plan (RSVP).
12. Prior to occupation of any building hereby permitted, the following shall be submitted to and approved in writing by the Local Planning Authority:
A final RSVP based on the November 2017 MLM submission (ref. 724071-REP-ENV-003-rev4) to include details of asbestos monitoring and the results of the Additional Gas Monitoring programme. The proposed development shall be carried out in accordance with the approved RSVP.
13. Prior to occupation of any building hereby permitted the following shall be submitted to and approved in writing by the Local Planning Authority, following implementation of the approved RSVP: A Validation Report – confirming the rendering of the whole site as safe and suitable for use by means of appropriate testing, waste disposal documents and incorporating photographic and written evidence of measures undertaken to ensure safe and suitable future use of the site. If the Validation Report identifies any contamination that has not been satisfactorily ameliorated prior to any building being occupied a further RSVP, including timescale, for the necessary remediation shall be submitted to and approved in writing by the Council and the works shall be implemented in accordance with the approved RSVP.
14. No infiltration of surface water drainage into the ground at the site which is the subject of this planning permission is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the written consent details.
15. Prior to the commencement of development in a plot or phase, a scheme for the provision and implementation of pollution control to the water environment for that plot or phase shall be submitted and agreed, in writing, with the Local Planning Authority. As a minimum, the scheme shall ensure that:
 - a) Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected to the surface water drainage system.
 - b) All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.
 - c) There shall be no internal drains in areas where chemicals and other polluting materials are stored. Appropriate spill clean-up material shall be available in case of an emergency.

- d) All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer.

The scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

16. The development hereby permitted shall not be commenced until a surface water drainage strategy for the site, based on the Flood Risk Assessment and Drainage Strategy Rev3 October 2017 has been submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development on each plot or phase, a detailed surface water drainage plan for that plot or phase which responds to the content of the approved surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage plan shall include a restriction in run-off and surface water storage on site as outlined within the FRA and within the approved surface water drainage strategy, giving priority to infiltration should ground conditions permit. The approved surface water drainage plan shall subsequently be implemented in accordance with the approved details before the development on that plot or phase is completed.
17. Prior to the commencement of development on each plot or phase, a detailed surface water management plan which responds to the content of site wide surface water management strategy set out in the Flood Risk Assessment and Drainage Strategy Rev 3 October 2017 shall be submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water management strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to the commencement of development of any commercial building or commencement of any commercial use on any plot, details of the plant/machinery to be installed, together with any noise and/or dust mitigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter implemented in accordance with the approved details.
19. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Skilled Ecology Ltd, May 2018) as already agreed in principle with the Local Planning Authority. This includes bat sensitive lighting, due diligence regarding nesting birds, precautionary measures for amphibians and reptiles, and the installation of bat and bird boxes.

End of Schedule