The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/J0405/W/19/3230852
Westonmead Farm, Aston Clinton Road, Weston Turville, Buckinghamshire HP22 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Westonmead Farm Limited against Aylesbury Vale District Council.
- The application Ref 19/00619/AOP, is dated 18 February 2019.
- The development proposed is outline application with all matters reserved except for principal means of vehicular access, for up to 157 dwellings, public open space, play area, vehicular accesses off Aston Clinton Road and associated infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for outline application, with all matters reserved except for principal means of vehicular access, for up to 157 dwellings, public open space, play area, vehicular accesses off Aston Clinton Road and associated infrastructure at Westonmead Farm, Aston Clinton Road, Weston Turville, Buckinghamshire, HP22 5AB in accordance with the terms of the application, Ref 19/00619/AOP, dated 18 February 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. This appeal relates to an outline planning application with approval sought for access. All other matters are reserved - layout, scale, appearance and landscaping. I am treating the submitted drawings as only indicative of the reserved matters.

3. This appeal is made as no notice of a decision on the application for planning permission (Council ref : 19/00619/AOP) was given within the relevant time period (or within an extended period agreed in writing). The appeal will therefore consider whether outline planning permission for the proposal should be granted or refused.

4. In May 2020 the Council granted a planning permission (under their ref : 17/04819/AOP) for development matching the description of the appeal proposal (from here on referred to as the 'May 2020 permission'). This decision was subject to the signing of a planning obligation under section 106 of the Town and Country Planning Act 1990 (s106) which the parties confirm has been completed.

5. A s106 has been submitted with this appeal that is confirmed by the Appellant and the Council as containing provisions that match those associated with the May 2020 permission. I deal with the contents of the s106 related to this appeal further below.

6. Following submission of the Appeal, the red line site area was amended to include the land identified as being available for green infrastructure. This change replicates the boundary of the May 2020 permission. Following this amendment to the site area and technical updates to the documentation (confirmed by the Council as not materially altering the appeal scheme) the Council have agreed that the appeal proposal is identical to the May 2020 permission.

7. As a result of the above, the Council and the Appellant have confirmed that there remain no matters of disagreement between them for consideration at this appeal. The focus of this appeal will therefore be on the main issues raised by other interested parties and whether the s106 and planning conditions would meet the relevant tests set out in the National Planning Policy Framework (the Framework).

Main Issues

8. The main issues are:

- Whether the site is a suitable location for housing when regard is had to local and national policy.
- The effects of the proposed development on the local highway network, with particular reference to congestion and traffic movements.
- Whether the proposed development makes suitable provision for local infrastructure improvements.

Reasons

Location

9. The Weston Turville Neighbourhood Plan (Neighbourhood Plan) seeks to direct physical growth associated with the settlements to within a defined boundary. Policy H1 confirms that development of land outside the Settlement Boundaries will not be permitted in the countryside unless it is part of the growth of Aylesbury as defined in the emerging Vale of Aylesbury Local Plan (VALP). The appeal site is part of an allocated site in the VALP and therefore technically falls within this exclusion. However, it is noteworthy that the VALP is still subject to examination and therefore modification.

10. The site falls outside the defined areas permitted for housing growth covered by Policies RA13 and RA14 of the Aylesbury Vale District Local Plan (AVDLP). However, the Council accepts that these policies are out of date.

11. In terms of sustainability of the location, the site is close to the strategic highway network that provides frequent bus services between the main settlements, including Aylesbury. The s106 includes provisions relating to a travel plan and extending the foot and cycleways on the A41, in addition to relocation and upgrading of bus stops to better serve the site. These measures would improve the accessibility of the site and the overall sustainability of the location in line with policy on promoting sustainable transport in the

Framework.

12. In conclusion, the location is a sustainable one and I find no conflict with T3 of the Neighbourhood Plan relating to sustainable transport measures. However, it is questionable whether there is conflict with Policy H1 due to the location of the site outside the Settlement Boundary and the current status of the VALP.

Highways

13. The proposed development relies on access onto and from a section of the A41 beyond Aylesbury. Interested parties note that this stretch of road becomes extremely busy and is subject to regular congestion. This includes queuing and associated congestion at signalled junctions on the A41 between the site and Aylesbury, namely the junctions with Bedgrove and Broughton Lane, and also New Road which is closest to the site. Concerns include that the proposed development would add to existing pressures, both individually and when viewed in combination with other development in the area.

14. I have carefully studied the submitted evidence relating to traffic conditions and expected traffic generation, which includes consideration of scenarios linked to the cumulative effects of developments. The information indicates that expected increases in the levels of traffic generation on the A41 associated with the proposed development could be accommodated. This is subject to specific mitigation, particularly at the Bedgrove and New Road junctions, and includes addressing issues linked to the proximity of merges through the provision of additional sections of dual carriageway.

15. In relation to vehicle access between the site and the A41, the level of visibility provided by the proposed development is of a suitable standard to accommodate most scenarios. However, direct exit from the site is to be limited to left turning vehicles only, with alternative access provided through an adjacent site.

16. Overall, I am satisfied that the evidence demonstrates that adequate provision can be made to manage the highways effects associated with the proposed development, including parking and air quality. This is subject to mitigation to be secured by way of conditions and s106 which is considered further below. Consequently, I do not find conflict with development plan policies, including Policies T1, and T2 of the Neighbourhood Plan relating to the management of the traffic effects of development.

Other considerations – housing delivery

17. It is common ground between the Council and the Appellant that the proposed development could be delivered within the next 5 years. As such, it would serve to enhance the Council's housing land supply and make a contribution towards boosting the overall supply of homes in line with policy in the Framework.

18. The s106 includes an obligation requiring provision of not less that 30% of the dwellings to be affordable, with 75% of those available for affordable rent and 25% for shared ownership. This requirement is consistent with Policy GP2 of the AVDLP and exceeds emerging policy in the VALP. As such, I am satisfied that the provision of affordable housing in the s106 meets the tests in the Framework and can therefore be taken into account as part of my decision.

19. In conclusion, the delivery of housing, including affordable housing, is a consideration that should be given weight in this appeal decision.

S106 – infrastructure provision

20. The s106 submitted with the appeal makes a number of obligations intended to make improvements to local infrastructure. The obligations relate to highways, education, sport and leisure and green infrastructure provision and sustainable drainage.

21. In relation to highways, the obligation includes provision for highway works and delivery plans and for the access to be laid out as agreed prior to commencement of the development. Financial provision is also made for the wider traffic mitigation works considered above. This includes clawback provisions for funds that are unused, for example to cover the instance where contributions from other developments are used as a form of joint mitigation.

22. The highways obligation also makes provision for a bus stop contribution and travel plan monitoring, which relates to the sustainable transport measures associated with the proposed development.

23. I am satisfied that the highways obligations are necessary in order to manage the highways effects of the development and to meet the requirements of Policies T1, T2, and T3 of the Neighbourhood Plan.

24. In relation to education, it is noted that primary and secondary schools in the local area operate at close to capacity, with pressures expected to continue. This is an issue also raised by interested parties. The County Council have outlined the requirement for a financial contribution to manage the impact of the proposed development on school spaces, which is included in the s106. The scale of the contribution would be determined by the final housing mix to ensure that it is at a level proportionate to the nature of the final development. This obligation is evidenced as necessary in order to meet the demands of the development and to meet the requirements of development plan policy, in particular Policy GP96 of the AVDLP.

25. The sport and leisure contribution has been calculated with reference to the Council's supplementary guidance. It is of a proportionate level and is necessary in order to enhance facilities in the local area ,in line with the increased number of occupiers. The contribution is consistent with the requirements of Policy GP88 of the AVDLP. The green infrastructure obligation will make provision for open space in accordance with a submitted Green Infrastructure Plan. These arrangements meet the policy requirements in GP35 of the AVDLP.

26. The sustainable drainage contribution would make provision towards flood protection for the site and the surroundings. It is noted that all built development is proposed within the area of the site included in Flood Zone 1. As such, development has been directed away from the small part of the site at greater risk. The sustainable drainage measures are an integral part of the wider drainage scheme that is necessary as part of the proposed development in order to secure adequate protection in accordance with policy in section 14 of the Framework, noting also the comments from interested parties relating to flooding and drainage.

27. Overall, I am satisfied that the obligations described above are necessary, directly related to the development, and are fair and reasonable. As such, I am taking them into account as part of my decision. I am also content that the proposed development makes satisfactory provision for local infrastructure.

Other matters

28. Representations from interested parties that relate to other matters are noted and have been considered. Some relate to the main issues that are discussed above.

29. In relation to effects on the character and appearance of the wider area, as the site is currently a greenfield site there would be an inevitable and permanent change in the character of the surroundings associated with the proposal. The effects on the immediate and wider landscape are likely to result in degrees of harm, as acknowledged by the Appellants landscape visual impact evidence and other evidence. It is relevant that the area around the site is a changing context and that, following completion of other housing developments in the area, the surroundings will become more urban in appearance. Weighing this changing context against the level of harm identified, I am content that a suitable layout and detailed scheme could be agreed at the reserved matters stage and that the proposed development is acceptable in relation to its effects on character and appearance and relationship with other nearby built areas.

30. A suitable landscaping could be agreed as part of reserved matters that would further assist with assimilating the development into its surroundings. Provision could also be made for the retention and protection of boundary hedging and trees. Paying regard to the information relating to biodiversity I am also satisfied that appropriate measures relating to ecological mitigation and new gains in biodiversity could be secured as part of a detailed scheme agreed by condition at the reserved matters stage.

31. In addition, given the proximity of the site to listed structures (namely Broughton Barn and Manor Farm) and other intervening features in the area such as the A41, the proposed development would not harm their settings. In relation to the scheduled ancient monument to the north west of the side I have noted that Historic England have classified the harm resulting from the proposal as minor. Given the very limited effects on the setting I am satisfied that the minor level of harm is outweighed by the public benefits of the proposal identified elsewhere, in particular delivery of housing. As such, there is no conflict with policy in the Framework relating to heritage assets.

32. In relation to agricultural land, the evidence indicates that the site has an agricultural grading of 3b. As such, there would be no loss of best and most versatile land or other conflict with policy in the Framework.

33. The change in the character of the site from agricultural to more urban and residential will alter the outlook experienced by a number of existing residents living close to the site, in particular those on Ashton Clinton Road. Whilst I am treating the submitted layout details as illustrative, they show that a detailed scheme could be agreed at reserved matters stage that would result in acceptable effects on occupiers of nearby properties, particularly in relation to overlooking and other amenities.

34. In relation to biodiversity it is noted that the Appellants evidence concludes that the site is unlikely to support any protected habitats. Notwithstanding this, an ecological mitigation plan can be subject of a planning condition.

35. Other issues raised have been considered but do not affect my conclusions.

Conditions

36. I will consider conditions by reference to the numbering in the attached schedule.

37. Conditions (1), (4) and (5) are standard conditions relating to the timing and approval of reserved matters. Condition (3) is necessary in the interests of certainty.

38. Conditions (2), (6), (7), (8), (9), (10), (11) and (12) are necessary in order to ensure a satisfactory standard of development, appearance, and landscaping (including provisions relating to trees). Condition (11) is a pre-commencement condition as some of the tree protection measures need to be in place before the works start in order to minimise the risk of damage to trees.

39. Conditions (13), (14), (19) and (20) are necessary in order to ensure satisfactory provision is made for waste and cycle storage, provision of electric vehicle charging points, and parking in the interests of making sure that they are safe and accessible for users of the proposed development and that the streets and layout are of an adoptable standard.

40. Conditions (15) and (18) are necessary in the interests of making satisfactory provision for drainage and to minimise flood risk. Condition (18) needs to be pre-commencement as some flood risk management measures may be difficult to retrofit.

41. Conditions (16) and (17) are necessary in the interests of securing adequate ecological mitigation and minimising encroachment on Bear Brook.

42. Conditions (21), (23), (24) and (25) are necessary in the interests of managing the effects of construction work on the highway and the surrounding area and to minimise risk associated with contamination. Conditions (21), (23) and (24) need to be pre-commencement as some of the measures would need to be in place before works start.

43. Condition (22) is necessary in order to make satisfactory provision for broadband in line with Policy B3 of the Neighbourhood Plan.

44. Condition (26) is necessary in the interests of providing satisfactory living conditions for future occupiers of the proposed development.

Conclusions

45. Whether there is conflict with Policy H1 of the Neighbourhood Plan is questionable due to the current status of the VALP. Nevertheless, the site is one that can be made sustainable and the impacts of the proposed development are otherwise acceptable, or can be mitigated through the s106 and conditions. As such, the impact should there be policy is limited.

46. The proposal would result in the delivery of housing, including affordable housing and there is common ground between the Appellant and the Council that the contribution towards meeting housing needs would be worthwhile.

47. The May 2020 planning permission also remains extant and is therefore a relevant consideration when deciding this appeal.

48. In conclusion, and considering all the available evidence, even if there is conflict with policy H1, delivery of housing and the existence of the extant planning permission would outweigh it and point towards granting planning permission. As such, for the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

D.R. McCreery

INSPECTOR

Schedule of conditions

1. Approval of the details of the external appearance of the buildings, the landscaping of the site, layout and scale (hereafter called 'the reserved matters') for each phase or part of the development shall be obtained in writing from the Local Planning Authority before the development of that phase or part of the development is commenced.

2 Further to the provisions of condition 1 and elsewhere in this permission, a phasing plan shall be prepared setting out respective parcels or parts of the site and shall be submitted to the Local Planning Authority prior to, or concurrent with, the submission of the first reserved matters application for the residential development hereby approved. Unless otherwise agreed in writing by the local planning authority, prior to the commencement of development the phasing plan shall be approved in writing by the Local Planning Authority.

3 The development hereby permitted shall not be carried out except in substantial accordance with the following plans, unless otherwise agreed in writing by the Local Planning Authority:

- 3051-D1000-rev07
- 3051-D9100-rev06
- 3051-D9101-rev05
- 3051-D9102-rev06
- 3051-D9103-rev05
- 3051-D9104-rev05
- 162556/A/10F

4 Application for approval of the reserved matters in respect of the first residential phase or sub phase of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Application for approval of the reserved matters in respect of all subsequent phases and sub phases of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

5 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters.

6 A Design Code for the development hereby permitted shall be submitted prior to or concurrent with the submission of the first Reserved Matters application for a residential phase or sub-phase of the development hereby permitted. Unless otherwise agreed in writing by the Local Planning Authority, the Design Code shall be approved in writing by the Local Planning Authority prior to the approval of the first reserved matters application for a residential phase or sub-phase of the development hereby permitted. The Design Code shall include:

a. Principles for determining the quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including opportunities for using recycled construction materials;
b. Principles of built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plot and landmarks and vistas;
c. Principles of hard and soft landscaping including the inclusion of important trees and hedgerows;
d. Principles for determining the design of structures (including street lighting, lighting and boundary treatments, street furniture and play equipment);
e. Principles for determining the design of the public realm, areas of public open space and green infrastructure and areas for play
f. Principles of conservation of flora and fauna interests and encouragement of biodiversity including for the buffer zone to Bear Brook;
g. Principles of hierarchy of streets and spaces;
h. Principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, bridleways, roads and vehicular accesses to and within the site (where relevant) and individual properties;
i. Principles for on-street and off-street residential vehicular parking and/or loading areas;
j. Principles of cycle parking and storage; and,
k. Principles for the provision of public art where appropriate as an integral part of the development.

7 The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of the materials proposed to be used on the external surfaces of the development. The development within each phase or sub phase shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

8 The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of all screen and boundary walls, fences and any other means of enclosure. The development within each phase or sub phase shall thereafter only be carried out in accordance with the approved details or such other details as may otherwise be agreed in writing and each building hereby approved shall not be occupied until the means of enclosure for that building (comprising screen and boundary walls and fences) have been fully implemented.

9 The details to be submitted for approval in accordance with Condition 1 shall include full details of both hard and soft landscape works. For hard landscape works, these details shall include proposed finished levels or contours and hard surfacing materials; where relevant. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of that phase or part of the development to which they relate so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of that phase or part of the development to which they relate or the completion of the development whichever is the sooner.

10 Any tree or shrub which forms part of the approved soft landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

11 No site clearance works or development shall take place until there has been submitted to the Local Planning Authority for their approval a tree protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a barrier complying with Figure 2 of BRITISH STANDARD 5837:2012 positioned at the edge, or outside the Root Protection Area shown on the tree protection plan.

No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed unless these are elements of the agree tree protection plan.
4. No materials or waste shall be burnt nor within 20 metres of any retained tree; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

12 The details to be submitted for approval in accordance with Condition 1 above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point. The building(s) shall be constructed with slabs at levels that have been approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

13 The details to be submitted for approval in accordance with Condition 1 shall include details of bin and recycling storage. The development within each phase or sub phase shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

14 The details to be submitted for approval in accordance with Condition 1 above shall include full details of the scheme for parking and manoeuvring and also cycle storage and electric vehicle charging for the development. The approved scheme for each phase or sub phase shall be laid out in accordance with the approved details under condition 1 and that area shall not thereafter be used for any other purpose. Prior to the occupation of each dwelling, to which the parking and manoeuvring, cycle storage and electric vehicle charging relate, these approved details shall have been laid out or provided.

15 The details to be submitted for approval alongside Condition 1 shall include full details of the foul water strategy for each phase or sub-phase. The development within each phase or sub phase shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority. Each dwelling shall not be occupied until the works for the disposal of sewage from that dwelling have been carried out in accordance with the foul water strategy so approved.

16 No development within each phase or sub phase shall take place until a scheme for the provision and management of a minimum 10 metre wide ecological buffer zone alongside the watercourse (to incorporate public link(s) into the green infrastructure areas) has been submitted to, and agreed in writing by, the local planning authority and implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

The ecological buffer zone scheme shall be free from built development including lighting, domestic gardens, impermeable surfaces and formal landscaping, apart from where public links are provided into the green infrastructure areas. The scheme for each phase or sub phase shall include:

- Plans showing the extent and layout of the minimum 10 meter wide ecological buffer zone;
- Details of any proposed planting scheme which should consist of native species only with proven local provenance;
- Planting of additional native black poplars;
- Details of any habitat enhancement proposals for the Bear Brook and how this contributes to biodiversity net gain for the development;

- Details demonstrating how the ecological buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision; named body responsible for management plus production of any management plan;
- Details of any footpaths, cycle links, fencing and lighting;
- Details of any bridges which should be clear-span in design with abutments set back from the watercourse. Please note that a Flood Risk Activity Permit will be needed for this work.

17 No development shall take place until a site wide Ecological, Mitigation, Enhancement and Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The Ecological, Mitigation, Enhancement and Landscape Management Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements;

- Detail extent and type of new planting (planting to be of native species)
- Details of maintenance regimes
- Details of any new and enhanced habitats created on site including the wetlands area
- Boundaries and/or buffers around water bodies
- Details of management responsibilities

18 No development approved by this planning permission shall commence until such time as a scheme to mitigate flood risk has been submitted to, and approved in writing by, the local planning authority. A full assessment of flood risk will be completed including:

- A detailed dwelling layout responding to the flood risk, i.e. no dwellings in the functional floodplain (flood zone 3b plus an appropriate allowance for climate change);
- Minimum finished floor levels for all dwellings;
- Any dwellings in flood zone 2 or 3a plus an allowance for climate change will need to show that they can be made safe;
- If required, a compensation strategy for any loss of flood plain storage.
- A minimum 10m wide buffer along Bear Brook. Additional width in areas of function floodplain including an allowance for climate change.

19 The development shall be served by means of adoptable estate roads which shall be laid out in accordance with details to be first approved in writing by the Council and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out in accordance with the approved details. For the avoidance of doubt, the details shall include the connection through the site and into the MDA site.

20 The details to be submitted for approval alongside Condition 1 shall include full details of the internal site layout, including parking and manoeuvring areas, for each phase or sub-phase. Thereafter the development shall be carried out as approved and no part of the development shall be occupied until the works to which it relates have been carried out in accordance with the approved details. The approved layout, parking and manoeuvring areas shall thereafter be retained as approved.

21 Development hereby permitted shall not begin until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Construction shall not be carried out otherwise than in accordance with the approved Construction Management Plan. The Construction Management Plan shall include the following matters and shall be followed for the duration of the construction period:

- Parking and turning for vehicles of site personnel, operatives and visitors;
- Loading and unloading of plant and materials
- Storage of plant and materials;
- Programme of works (including measures for traffic management and operating hours);
- Provision of boundary hoarding and lighting;
- Details of measures to prevent mud from vehicles leaving the site during construction;
- Pre-commencement and post-completion highway condition survey and details of repairs necessary.

22 No development shall take place within each phase or sub phase until details of measures to facilitate the availability of high speed broadband connection to the occupants of the development within that phase or part of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the buildings to which it relates.

23 Prior to commencement of any work on site a Dust Management Plan must be submitted and approved in writing by the Local Planning Authority as recommended within the Environmental Statement written by Nexus Planning. The development shall thereafter be carried out in accordance with the approved details of the Dust Management Plan and any necessary mitigation measures implemented in accordance with the timings in the Plan.

24 Development shall not commence within each phase or sub phase until a remedial strategy and the results of additional ground gas monitoring, as recommended within Geo-Environmental Report, reference 20624R1, written by WDE Consulting, has been submitted to and approved in writing by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The Local Planning Authority shall approve in writing such remedial works as required prior to any remediation works commencing on site. The agreed remediation works shall be fully completed before any other construction work commences.

25 Prior to the first occupation or use of each phase or sub phase, the agreed approved remediation works under condition 24 shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

If during the works contamination is encountered which has not previously been identified then this additional contamination shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.
Prior to the first occupation or use of any part of the development, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the completed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the validation report together with documentation detailing the type and quantity of waste materials that have been removed from the site.

26 Prior to construction above damp proof course level, the applicant will commission and submit to the Local Planning Authority for approval an acoustic assessment that demonstrates that, subject to appropriate mitigation, the internal ambient noise levels in the dwellings do not exceed the standards set in BS8233:21014 Table 4 and maximum night-time noise levels in bedrooms do not exceed 45dB LAFmax more than 10 times per night. The noise levels in private external amenity spaces shall not exceed 55dB LAeq,16hr. Thereafter the approved mitigation measures shall be implemented prior to the occupation of the dwellings to which the mitigation relates.