



Appeal Decision

Site visit made on 22 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/G2815/W/20/3254894

Land off Nicholas Road, Irthlingborough NN9 5QT

- 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 Fermyn Woods Estate against the decision of East Northants District Council.
 - The application Ref 18/00945/OUT, dated 19 November 2018, was refused by notice dated 9 April 2020.
 - The proposal is a residential development with public open space and associated infrastructure; means of access from Nicholas Road.
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Decision

1. The appeal is allowed and outline planning permission is granted for a residential development with public open space and associated infrastructure; means of access from Nicholas Road at Land off Nicholas Road, Irthlingborough NN9 5QT in accordance with the terms of the application, Ref 18/00945/OUT, dated 19 November 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Fermyn Woods Estate against East Northants District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being for illustrative purposes only in respect of the landscaping, internal road layout, housing layout and other matters they show.
4. The appellant has submitted a signed and dated agreement under Section 106 of the Town and Country Planning Act 1990. This would ensure the provision of highways works, mitigation works in respect of the nearby Special Protection Area, affordable housing and open space, as well as contributions towards health facilities, education and libraries. I return to the planning obligation below.

Main Issue

5. The main issue is the effect of the proposed development on the safe operation of the local highway network.

Reasons

6. The appeal site is an area of open grassland, approximately 4.2ha in area, on the southern edge of Irthlingborough. A 1930s residential estate, through which it is connected to the road network in the wider area, sits to the north, with a terrace of older dwellings, Tannery Cottages, to the south. The site encompasses part of the access road to Tannery Cottages, which also serves an electricity substation adjacent on the site's southern boundary. Two public footpaths cross the site from south to north.
7. To the north and west of the appeal site is the built-up area of Irthlingborough. The site level drops from west to east, from the main access by Nicholas Road to the eastern boundary which is formed by a side channel of the River Nene. To the south east lies the River Nene itself and the open spaces of its broad valley, which includes many flooded former gravel and sand pits.
8. The proposal is a residential development of up to 106 units. The application was made in outline, with only access to be considered in detail at this stage. The proposed access layout plan shows that a new road would enter the appeal site from the junction of Nicholas Road, Allen Road and Hayway, with new footways and uncontrolled pedestrian crossings with dropped kerbs and tactile paving provided. The road layout would encompass some land which currently forms part of the side and rear garden of No 2 Nicholas Road, and so that dwelling would need to be provided with replacement car parking space within the appeal site, although that is a matter which could be addressed by the use of a conditions. The Council's officer reports indicate that Northamptonshire County Council, as Highway Authority (the HA), is satisfied with the position, layout and visibility splays for the proposed access point, and that it would be an appropriate distance from the access to Tannery Cottages. None of the evidence before me leads me to a different view.
9. The sole reason for which the Council refused planning permission stems from the effect which increased traffic arising from the development would have on highway safety at the T-junction at the north end of Hayway where it joins High Street (classified as the B571). This junction lies some 350m or so north west of the appeal site, and while it is not the only way by which vehicles could reach or leave the appeal site, travelling via Hayway to the High Street or vice versa represents the shortest route between the site and the wider road network.
10. The submitted Transport Assessment (the TA) indicated that in the morning peak (08.00 to 09.00) there are typically 74 right turn movements out of Hayway, and 30 in the evening peak (16.45 to 17.45), and forecast that the proposed development would result in these increasing to 93 and 39 respectively. I note that the HA considers that the estate roads and the Hayway – High Street junction would have adequate carrying capacity for the extra traffic which would be generated. Again, none of the evidence before me leads me to a different view.

11. However, I saw that the presence of trees, stone walls and a cottage on the inside of the curve of the road west of the junction means that any driver wishing to turn right from Hayway into the High Street has a very poor view of vehicles coming from the west. Similarly, any driver travelling east on the High Street would have a poor and late view of a vehicle turning right from Hayway. Even in the short time I was watching the junction I saw that one eastbound driver on the High Street had to brake sharply to avoid a car which had turned right from Hayway. Based on the evidence before me and my own observations, the Council's concern that the additional traffic generated by the proposed development would be likely to lead to an unacceptable increase in the risk of collision accidents at the Hayway – High Street junction is well-founded.
12. The appellant acknowledges that it is appropriate and necessary to mitigate the potential impact on highway safety, and has engaged in considerable discussions with the HA in respect of the Hayway – High Street junction. Two possible mitigation schemes have been prepared. The first would make the northern part of Hayway one way, only allowing traffic to enter from the High Street. The alternative scheme would signalise the junction, stopping traffic on the High Street if sensors detected a vehicle waiting to leave Hayway. In the light of the HA's advice to the Council that although the one-way option was its original preference, it would wish to keep open the option to pursue an alternative mitigation scheme, depending on the outcome of any consultation exercise, I consider that either of the schemes proposed would provide appropriate mitigation.
13. The Council considered that as the appellant's submission was indicative rather than a fully-costed final scheme there would be no certainty that the proposed mitigation would be either acceptable or deliverable. I disagree, and consider that the submitted information provides adequate costing information in respect of proposed highway mitigation measures, particularly as the HA has not yet settled on a final preferred scheme. The appellant proposed that a planning obligation should operate in such a way that the proposed development could not proceed to occupation without one or other of the alternative highway schemes first being implemented, and a draft s106 agreement to this effect was submitted while the planning application was being determined. The completed planning obligation submitted during the appeal process takes the same approach in respect of the proposed highway mitigation. This would ensure that there is a realistic prospect of the necessary scheme being delivered in a timely manner.
14. In response to the Council's suggestion that the highway mitigation would make the development unviable, the appellant has provided evidence that the two options would result in the development having an estimated gross profit on Gross Development Value (GDV) of around 19 or 20%, depending on which option was pursued. For context, the Planning Practice Guidance advises (albeit respect of plan making) that 'an assumption of 15-20% of GDV may be considered a suitable return to developers'¹. I am therefore satisfied that providing the necessary mitigation would not threaten the viability of the development.

¹ . Paragraph: 018 Reference ID: 10-018-20190509

15. Taking all of these points together, subject to the securing and implementation of a scheme to manage the flow of traffic at the Hayway – High Street junction, I consider that the cumulative impacts of the development on the road network would not be severe, and the proposal would not have an unacceptable impact on the safe operation of the local highway network.
16. I conclude therefore that there would be no conflict with Policy 8(b) of the 2016 North Northamptonshire Joint Core Strategy (the JCS), which among other things seeks to ensure that development does not prejudice highway safety. The proposal would also comply with the requirements of Paragraphs 109 of the National Planning Policy Framework (the Framework) which states that *'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'*, and Paragraph 110 which seeks to ensure that development proposals minimise the scope for conflict between pedestrians, cyclists and vehicles, and allow for the efficient delivery of goods, and access by service and emergency vehicles.

Other Matters

Biodiversity

17. The appeal site lies within the 3km buffer of the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar site (hereafter simply 'the SPA'), a European Designated Site. Indeed, at its closest the appeal site is separated from the SPA only by the width of the River Nene side channel which forms its eastern boundary. The Council considered that the proposed development would be acceptable in respect of any effects on the SPA. Nonetheless, under the Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations), in the context of this appeal it falls to me to consider whether or not the proposed development could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects.
18. The SPA comprises 20 separate blocks of land and water, in the chain of exhausted sand and gravel pits extending approximately 35km along the River Nene floodplain. It is protected due to the number and type of bird species present. It is noted as an important area for the overwintering of populations of bittern, golden plover, gadwall, and mute swan, and is regularly used by more than 1% of the British populations of these species. In addition, the SPA supports significant populations of wigeon, mallard, pochard, tufted duck, great crested grebe, cormorant, lapwing and coot.
19. The conservation objectives for the SPA are set out in The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (the SPD), which the Council adopted in 2016. They can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive, by (among other things) maintaining or restoring the structure and function of the habitats.
20. The proposed development would result in an increase of up to 106 dwellings within 3km of the SPA. Natural England has advised that this would be likely to increase recreational pressure upon the SPA, leading to increased disturbance of overwintering species and other species supported within the SPA. This would conflict with the conservation objective of maintaining the function of the

habitats within the SPA. Given the proximity of the appeal site to the SPA I accept this analysis, and consider that both alone and in combination with other developments, the proposal would be likely to have a significant adverse effect on the integrity of the SPA.

21. In the context of an appropriate assessment, I can consider possible mitigation. The SPD sets out the approach to avoiding or mitigating significant effects on the SPA, including by securing a financial contribution towards Strategic Access Management and Monitoring (SAMM), or other suitable mitigation. In this case, given the scale of the proposed development and its proximity to the SPA, and as provided for by the SPD in the case of larger schemes, Natural England advised that bespoke mitigation would be required.
22. The appellant has worked with the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (the Wildlife Trust) to agree a 'Statement of Principles' which defines the scope of mitigation measures, and to prepare an SPA mitigation strategy. This proposes the installation of a footbridge across the River Nene side channel, installation of signposting, moving paths through less sensitive grassland areas, and the installation of fencing and gates. These measures would be intended to direct walkers and others through the valley in a controlled manner which would limit public access to the more sensitive areas of the SPA. Natural England has confirmed that it is supportive of the proposed measures, advising that the precise location and details of the bridge should be agreed with the Wildlife Trust, and the package of measures as a whole should be secured through the planning process.
23. The submitted planning obligation provides for a detailed mitigation strategy to be submitted to and approved by the Council in line with the agreed principles ahead of the commencement of development. I am therefore satisfied from the evidence before me that adequate mitigation for the likely significant effects of the proposed development on the integrity and conservation objectives of the SPA can be delivered through the planning obligation.
24. I therefore conclude that, subject to the implementation of the mitigation measures, there would be no adverse effect on the integrity of the Upper Nene Valley Gravel Pits SPA and Ramsar site. The proposed development would therefore accord with the Conservation of Habitats and Species Regulations 2017 (as amended), and with the policies of the Framework for conserving and enhancing the natural environment.

Interested party representations

25. I have had regard to comments made by interested parties on a number of matters, including those in respect of highway safety and biodiversity which are addressed above.
26. The residential development proposed would lead to increased demand for education, library and healthcare services. Financial contributions towards increasing or enhancing the provision of these services would be made through a planning obligation, which I address below.
27. Other concerns raised include disturbance to local residents and wildlife from construction activity, noise disturbance to future occupiers of the development arising from the electricity substation next to the site, flood risk on the site,

and the potential for the site to contain archaeological remains, including Bronze Age and Roman artefacts. However, these are all matters which can be addressed by the imposition of appropriate conditions.

28. Several interested parties indicated that as the appeal site has not been allocated for housing in the development plan, alternative brownfield sites should be considered for residential development. Some went further and suggested that there was no need for residential development on the scale proposed in Irthlingborough. I have also been made aware of a petition with more than 2,600 signatures opposing the development. However, the Council's committee report indicates that the JCS supports housing growth in Market Towns within East Northamptonshire, and its most recent figures indicate a shortfall of around 288 dwellings in Irthlingborough, and thus a specific need for housing in the town. I note also that the Council's appeal statement indicated that it is of the view, and it is common ground between the main parties, that the proposed development accords with the development plan and with the Framework other than in respect of the single reason for refusal.
29. While I have taken into account the other matters which have been raised, none has altered my overall conclusion.

Planning Obligations

30. A completed agreement made under s106 of the Town and Country Planning Act 1990 (as amended) was submitted, making various provisions in respect of the proposed development. The agreement is dated 13 October 2020, and is signed and executed as a deed.
31. Given the current impacts of Covid-19 on the working arrangements of the various parties, the agreement has been provided to me in counterpart form in three copies, each with one of the following signatories: James Michael Ruston Broadbent and Cluny Fitzgerald Broadbent on behalf of the appellant and landowner, Fermyn Woods Estate; the Council (East Northamptonshire District Council); and the County Council (Northamptonshire County Council). While it would be preferable for the agreement to comprise a single document executed by all of the relevant parties, taken together these three documents form a valid deed and so will be enforceable.
32. The Framework sets out policy tests for planning obligations which 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. The same tests are enshrined in the statutory tests set out in Regulation 122 of the CIL Regulations².
33. The traffic management obligation provides that, following the agreement of a mitigation scheme between the landowner and the HA, the works will be funded and implemented at the landowner's expense, prior to the first occupation of the development. For the reasons I have set out in assessing the main issue above, I consider that a mitigation scheme is necessary to make the development acceptable in planning terms. Notwithstanding the provision that the works should be funded and implemented in full by the landowner, I note the comment in the appellant's statement that they queried with the HA whether the total costs of the works should be delivered by planning obligation,

² Community Infrastructure Levy Regulations 2010 (as amended)

given that the development would generate a 23% increase in movements through an existing junction. However, the highway mitigation can only be implemented as a whole, and without it the proposed development could not go ahead. For this reason, I also conclude that the traffic management obligation is directly related to the development, and fairly and reasonably related in scale and kind to the development.

34. I have also considered the obligation in respect of mitigation of the likely significant effects on the integrity and conservation objectives of the Upper Nene Valley Gravel Pits SPA and Ramsar site, and for the reasons described in paragraphs 17 to 24 above I am satisfied that the obligation meets the statutory tests.
35. The affordable housing obligation seeks to secure 30% of the total number of dwellings in the proposed scheme as affordable units. This is in accordance with JCS Policy 30, and I am satisfied that the obligation meets the statutory tests.
36. The public open space obligation secures the provision of public open space, and the maintenance of public open space and play areas within the site (the provision of play areas is dealt with by condition). This obligation is supported by the Council's 2011 Open Space Supplementary Planning Document, and as such I am satisfied that it meets the statutory tests.
37. The education contributions obligation secures phased financial contributions towards Early Years (EY), Primary (P), and Secondary (S) education provision in the local area on a per dwelling basis as follows:
2-bedroom units – EY £3,724, P £1,164, S £1,170
3-bedroom units – EY £3,972, P £3,972, S £4,600
4+ bedroom units – EY £4,220, P £4,592, S £5,941
No contribution is sought from 1-bedroom units.
This obligation is sought by Northamptonshire County Council on the basis of a standard formula. I am satisfied that it meets the statutory tests.
38. The libraries obligation secures phased financial contributions towards library provision in Irthlingborough on a per dwelling basis as follows:
1-bedroom units – £109
2-bedroom units – £176
3-bedroom units – £239
4+ bedroom units – £270
This obligation is sought by Northamptonshire County Council on the basis of a standard formula. I am satisfied that it meets the statutory tests.
39. As the development would result in an increased demand for medical services which cannot currently be accommodated by the local practices, the health obligation secures a contribution of £794.92 per dwelling (up to £84,261.52 total). This has been sought by Nene Clinical Commissioning Group towards increasing capacity in the local area, and I am satisfied that this also meets the statutory tests.

Conditions

40. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance, as well as the appellant's comments on the suggested conditions. Where

necessary I have altered the proposed wording in the interests of clarity and effectiveness.

41. In addition to the 'standard' conditions in respect of the submission and approval of the reserved matters and the commencement of development (1-3), in the interests of certainty a condition specifying the approved plans (4) is necessary. However, as the application was made in outline with all matters other than access reserved, I have not included all the illustrative plans and supporting documents which the Council suggested. A condition defining the maximum number of dwellings permitted (5) is necessary both in the interests of certainty and to ensure that the development does not have an unacceptable impact on protected habitats. A condition requiring the reserved matters submissions to relate to the broad principles of development set out in the submitted plans and other supporting information (6) is necessary in the interests of the character and appearance of the area.
42. Conditions requiring the submission of details of proposed lighting (7), replacement car parking for the occupiers of No 2 Nicholas Road (8) are required in the interests of residential amenity and public safety, including highway safety. Conditions requiring the submission of details of play areas, and their provision in a timely manner (9), and details of noise mitigation measures in respect of the existing electricity substation on site (10) are also required in the interests of residential amenity.
43. A condition to ensure that features of archaeological interest are properly examined and recorded ahead of the commencement of development (11) is necessary to ensure that the significance of any heritage assets within the site is understood, in line with the requirements of Paragraph 199 of the Framework.
44. To protect to the living conditions of neighbours, to prevent pollution and disturbance to the local area, and in the interests of highway safety, conditions to control matters during the construction period (12, 13) are necessary, although I have amalgamated the Council's three suggested conditions into two. A condition requiring the approval and implementation of a scheme for the provision of fire hydrants (14) is necessary in the interests of occupants' safety.
45. A Phase 1 environmental study carried out in respect of an earlier planning application identified potential risks from contamination with respect to the current state of the land and risks from adjacent sites. Conditions requiring the investigation and remediation of any contamination, including any unexpected contamination (15-19), are therefore required in the interests of the safety of neighbouring residents, construction workers, and future occupiers of the site. I have amended the wording of the suggested conditions to refer to the Environment Agency's Land Contamination Risk Management (LCRM) guidance³, as the previous guidance 'Model Procedures for the Management of Land Contamination, CLR11' was withdrawn in October 2020.
46. Conditions to control surface and foul water management and drainage, and to ensure that the finished floor levels of dwellings are at or above a safe level identified in the submitted Flood Risk Assessment (20-24) are necessary to

³ Environment Agency, Land contamination risk management (LCRM) - <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

safeguard against flood risk, to protect the living conditions of future occupiers, to protect the environment, and in the interests of highway safety.

47. A condition requiring the primary vehicle and pedestrian access onto the site to be complete before any dwelling is occupied (25) is necessary in the interests of pedestrian and highway safety. A condition requiring the development to be carried out in accordance with submitted ecology details (26) is necessary in the interests of protecting, preserving and enhancing local wildlife, while a condition in respect of the provision of sustainable travel measures, and to reduce demands for gas and water use (27) is necessary in the interests of sustainability and reducing air pollution.
48. Details of facing and roofing materials, and slab levels and finished floor levels of the permitted dwellings, boundary treatments, and proposed landscaping and planting schemes (including requiring the replacement of dead or damaged trees) would be part of the appearance, layout and landscaping reserved matters. I have not therefore imposed the conditions which the Council suggested in respect of these issues.

Conclusion

49. For the reasons given above the appeal is allowed subject to conditions.

M Cryan

Inspector

Schedule of Conditions

- 1) Details of the appearance, layout, and scale of the dwellings, and the landscaping of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (RDC November 2018)
 - Access Layout Option 2 (22115_03_020_002 Rev A)
- 5) The development shall comprise no more than 106 residential units.
- 6) The following design principles submitted as part of the outline planning (and shown in the submitted Indicative Masterplan, Existing and Proposed Public Rights of Way, Landscape Strategy, and Public Rights of Way Linkages Plans) shall be incorporated to the design of any subsequent related reserved matters application:
 - Public Open Space to be located on the eastern side of the application site;
 - A view from Nicholas Road along the main access road to the Nene Valley to the east to be retained;
 - Existing footpaths within the site to be accommodated as part of the layout; and
 - The built edge of the development along the eastern side to be no closer to the River Nene than that shown on the indicative masterplan.

Any amendments to these details compared to those shown in the Indicative Masterplan, Existing and Proposed Public Rights of Way, Landscape Strategy, and Public Rights of Way Linkages Plans shall be submitted to the Local Planning Authority and agreed as part of reserved matters applications.

- 7) The details required to be submitted by Condition 1 above shall include the provision of a scheme for lighting the public and private areas of the development hereby permitted. The development shall thereafter be carried out in accordance with these approved details in accordance with an implementation plan to be agreed. Details shall include location, design, height and lux, uniformity level and a management and maintenance schedule to be retained in perpetuity.
- 8) The details required to be submitted by Condition 1 above shall include adequate parking provision within the site to serve the existing neighbouring dwelling at 2 Nicholas Road.

- 9) The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include details of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) and a maintenance schedule for the written approval of the Local Planning Authority. The approved LEAP and LAP shall have been installed in accordance with the approved details and to the satisfaction of the Local Planning Authority prior to the occupation of the 25th dwelling. The LEAP and LAP shall be retained and maintained in accordance with the approved details in perpetuity.
- 10) Any application(s) for approval of reserved matters in respect of the dwellings hereby permitted shall include a detailed acoustic assessment and mitigation scheme. The detailed acoustic assessment must:
- a) Identify, quantify and qualify the noise exposure to dwellings likely to experience noise from the existing electricity substation on site;
 - b) Identify any necessary mitigation measures that are no less effective than those specified in 'LFA Supplementary Noise Assessment – Proposed Residential Development on Land off Nicholas Road Irthlingborough', dated September 2018; and
 - c) Provide detailed specifications for acoustic glazing, barriers or other mitigation measures as per (b) above.
- All mitigation identified in (a)–(c) above shall be implemented prior to the first occupation of the relevant dwellings hereby approved, and shall be maintained for the lifetime of the development.
- 11) No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12) Notwithstanding the details submitted with the application, prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:
- Overall strategy for managing environmental impacts which arise;
 - Measures to control the emission of dust and dirt;
 - Control of noise emanating from the site;
 - Hours of construction work;
 - Contractors' compounds, material storage and other storage arrangements, cranes, and plant, equipment and related temporary infrastructure;
 - Designation, layout and design of construction access and egress points to minimise disruption or access for existing residents and new residents of the development;
 - Internal site circulation routes;
 - Directional signage (on and off site);

- Provision for emergency vehicles;
- Provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles, and to ensure that any mud or other material deposited on the road as a result of the development is removed immediately by the operator/contractor;
- Routeing agreement for construction traffic and limits on deliveries to the site during peak school times;
- Storage of plant and materials used in construction;
- Enclosure of phase or development parcel development sites and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Soil stockpiling and material crushing and sorting, control of dust and other emissions, construction noise and vibration from the development.

The provisions of the CMP shall ensure that minimum disturbance is caused in the surrounding area. Construction of development shall proceed in accordance with the CMP, and the approved measures shall be retained for the duration of the construction works.

- 13) There shall be no burning of any material during demolition, site preparation or construction works.
- 14) No development shall take place until a scheme and timetable detailing the provision of two fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
- 15) The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:
 - a) Phase I 'Desk Study (submitted as part of planning application – MEC 'Phase I Environmental Risk Assessment' December 2018, Ref: 22115/05/17/4730/Rev B).
 - b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway Receptor principle and takes

into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance.

- 16) Where the risk assessment required by Condition 15 identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance.

- 17) Remediation of the site shall be carried out in accordance with the remedial option approved under the requirements of Condition 16. No deviation shall be made from this scheme without the express written agreement of the LPA.
- 18) On completion of any remediation work carried out under Conditions 16 and 17, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
- 19) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 20) Before construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and in accordance with the submitted Flood Risk Assessment (ref 22115/05-17/4570 Rev D, prepared by MEC and dated December 2018), shall be submitted to the local planning authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:
- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, attenuation basins and soakaways.
 - b) Cross referenced calculations.
- 21) No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water

- drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.
- 22) No dwelling shall be occupied until a Verification Report for the installed surface water drainage system for the site prepared by a suitably qualified drainage engineer has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include:
- a) Confirmation that any departure from the agreed design is keeping with the approved principles.
 - b) Any As-Built Drawings and accompanying photos.
 - c) Results of any Performance Testing undertaken as a part of the application process (if required/necessary).
 - d) Copies of any statutory approvals, such as Land Drainage Consent for Discharges etc.
- 23) The development must be carried out in accordance with the submitted Flood Risk Assessment (ref 22115/05-17/4570 Rev D) dated December 2018 and the following mitigation measure it details:
- Finished floor levels shall be set no lower than 38.09 metres above Ordnance Datum (AOD).
- 24) No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.
- 25) No dwelling shall be occupied until the proposed vehicle and pedestrian access point (identified on the Access Layout Option 2, drawing number 22115_03_020_002 Rev A) has been implemented in accordance with details and a timetable to be submitted to and approved in writing by the Local Planning Authority. The access points shall thereafter be retained and maintained in perpetuity.
- 26) The development hereby permitted shall be carried out in accordance with and implement the recommendations set out in the submitted Extended Phase 1 Habitat Survey (dated August 2016), and Reptile Survey (dated September 2016).
- 27) Notwithstanding the submitted details, no occupation of dwellings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new buildings:
- a) Electric vehicle charging points (at least one per dwelling).
 - b) 2 x 'Megarider' bus tickets for each household for the first 6 months of their occupation.

c) Measures to limit total water use to no more than 105 litres per person per day, and external water use to no more than 5 litres per person per day.

d) Minimum standards for gas fired boilers.

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

--End of Schedule of Conditions--