



Appeal Decision

Site visit made on 10 November 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/P2935/W/20/3254874

Land East of Greycroft, West Thirston NE65 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Barry Spall of Northumberland Estates against the decision of Northumberland County Council.
 - The application Ref 19/05017/OUT, dated 23 December 2019, was refused by notice dated 4 June 2020.
 - The development proposed is outline permission for change of use of agricultural land and construction of 9 no. residential dwellings (including 22% affordable housing).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural land and construction of 9 no. residential dwellings (including 22% affordable housing) at Land East of Greycroft, West Thirston NE65 9QB in accordance with the terms of the application, Ref 19/05017/OUT, dated 23 December 2019, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. A previous proposal which included the appeal site was dismissed on appeal¹ in November 2019. This related to a larger site and included 30 dwellings amongst other things. I have had regard to this previous appeal during the course of reaching my decision.
3. The application has been submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the proposed site layout as being indicative.
4. Reference has been made to the emerging Northumberland Local Plan, although the policies of this emerging plan are not included in the Council's reasons for refusal. I have also not been made aware of the extent of unresolved objections to this emerging plan or its degree of consistency with the National Planning Policy Framework (the Framework). On that basis, and due to the stage of the preparation of the emerging Local Plan, I give it little weight and this is not a determinative matter in my consideration of this appeal.

¹ Appeal ref: APP/P2935/W/18/3217291

Main Issues

5. The main issues in this appeal are:

- Whether the appeal site would be a suitable location for residential development in accordance with development plan policies;
- The effect on the character and appearance of the area; and
- The effect on the significance of the West Thirston Conservation Area.

Reasons

Whether Suitable Location

6. The appeal site is part of an agricultural field adjacent to the settlement of West Thirston. It is outside the settlement boundary for the village as defined by policy WTC1 of the Castle Morpeth District Local Plan 2003 (the Local Plan).
7. Policy C1 of the Local Plan states that settlement boundaries are drawn to identify the limits to settlements. It goes on to state that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted by a number of other policies. Saved policy H16 of the Local Plan also relates to housing in the countryside and expands on the criteria relating to agricultural need. The proposal would consist of development in the open countryside and would not meet the requirements of these policies.
8. However, the settlement boundaries in the local plan were established to meet the housing needs of Castle Morpeth between 1991 and 2006. That housing requirement was based on the policies of the Replacement Structure Plan 2005 which is not a Framework compliant assessment of housing need. The evidence on which the settlement boundaries are based regarding housing need is therefore out of date.
9. Whilst the Council has a housing land supply substantially in excess of 5 years, evidence submitted by the appellants indicates that this has been achieved by a significant contribution from housing sites outside of the defined settlement boundaries of the Local Plan. In that respect, I note that in the decision on the previous appeal for this site, the Inspector considered that the settlement boundaries are out of date.
10. The weight to be given to policy C1 depends on its consistency with the Framework. This policy no longer reflects the housing development needs of the area and fails to significantly boost housing land supply. The policy also establishes a degree of protection of the countryside outside of settlement boundaries which does not reflect landscape value or sensitivity and is therefore not entirely consistent with the Framework which seeks to protect valued landscapes. However, the Framework has a general objective to conserve and enhance the natural environment, and recognition of the intrinsic character and beauty of the countryside implies a level of protection. On that basis, I find that policy C1 is partly consistent with the Framework and I therefore give this policy moderate weight in decision making terms.
11. Policy WTC1 defines the settlement boundary of West Thirston, and the Local Plan sets out that this was drawn tightly around the village to retain its special

architectural and historic character. There is no evidence before me that the character of West Thirston has changed significantly since this boundary was defined, and I therefore conclude that it continues to provide a useful function in respect of character and appearance. As a counterpart to policy C1, I afford policy WTC1 moderate weight. However, I will return to the matter of character and appearance later.

12. Policy H16 of the Local Plan sets out criteria for assessing development in the countryside. However, it is not consistent with paragraph 79 of the Framework with regards to the consideration of isolated homes and the range of exceptions to development in the countryside. On that basis, I consider that the policy is out of date. That said, the policy is partially consistent with the Framework regarding the consideration of rural worker's dwellings and overall I afford this policy moderate weight.
13. I conclude that the proposal would conflict with policies C1, WTC1 and H16 of the Local Plan regarding development in the open countryside. For the reasons stated previously regarding the weight I give to these policies, I give this conflict moderate weight in my consideration of this proposal.
14. The proposal would also conflict with policy 2 of the emerging Thirston Neighbourhood Development Plan (the Neighbourhood Plan). However, given the stage of preparation of that plan I give that policy limited weight, and this is not a determinative issue in this appeal.

Character and Appearance

15. In its reason for refusal on this matter, the Council states that the proposal would have an adverse impact on the special architectural and historic character of the existing village. I saw that the character of this village derives from its historic core adjacent to the river and extending up the sloping topography, with more recent linear development extending along the roads into the village.
16. The appeal site is located on one of the main routes into the village. However, there is existing relatively modern linear development on the opposite side of the highway. In effect the proposal would complete this form of development in a manner which reflects development elsewhere in the village. Whilst the proposal would change the rural aspect of this element of the streetscape to a built form, this would not be out of character with the simple linear form of development which is a characteristic of this village. The proposal would be viewed within the context of development on the opposite side of the highway and would therefore not be viewed as an unacceptable projection of development into the countryside.
17. The indicative layout shows a road leading to the rear of the dwellings. Despite its indicative nature, I consider that this layout is representative of the likely development due to the constraints of the site. Much of the linear development in the village consists of individual plots with direct access to the highway. However, I saw that there were some dwellings in the area which were accessed from shared roads. The nearby junction with the B6345 also establishes the feature of a road junction in the streetscape. Subject to careful consideration of the reserved matters, I consider that the proposal could be accessed in a manner which would not be an incongruous feature within this village.

18. Subject to suitable consideration of the reserved matters including landscaping, layout and design, I conclude that the proposal would not harm the character and appearance of the area. Whilst the proposal would be outside of the settlement boundaries defined in the Local Plan, the proposal would not conflict with the aims of policies C1, WTC1 and H16 of the Local Plan in respect of representing a natural extension to existing built development and retaining the special architectural and historic character of the village. The proposal would also not conflict with the Framework with regard to achieving well-designed places.
19. The proposal would also not conflict with the design and development principles of policy 1 of the emerging Neighbourhood Plan regarding local context and character. However, given the stage of preparation of that plan I give that policy limited weight, and this is not a determinative issue in this appeal.

West Thirston Conservation Area

20. The appeal site is located to the south west of the West Thirston Conservation Area (CA) which includes the historic core of the village. The site does not directly adjoin the CA and is separated from it by an extent of housing, a road junction and landscaping. The main focus of the CA is the riverside area including the bridges over the river to Felton, The Peth and the wooded bank leading up from the river; as well as development to the south and Thirston House with its grounds. Based on what I have seen and read, it is the retained historic buildings and layout which contribute to the significance of the CA and its importance as a designated heritage asset.
21. The CA also derives a degree of significance from its setting, particularly its relationship to Felton on the opposite side of the river and open agricultural land to the east and south. However, the agricultural character of the setting of the CA has not remained constant throughout its history. Any contribution that the appeal site makes to the significance of the CA has in effect been compromised by relatively modern development in the intervening area, including housing and a road junction. Linear development in the wider village has also diminished the appreciation of the links between the CA and the agricultural landscape, although the rural character of the village as a whole remains.
22. I have had regard to the evidence linking the CA to the surrounding fields, including the Heritage Report² submitted by the Thirston Neighbourhood Plan Group. Whilst there may be some historical interest in the linkages between the CA and the surrounding landscape, the contribution that the appeal site makes to this is minimal at most. Based on what I have seen and read, the Heritage Report does not provide substantive evidence that the site makes any meaningful contribution to the significance that the CA derives from its setting. Within that context, the proposal would have a neutral effect on the ability to experience, understand and appreciate the significance of the CA.
23. Furthermore, the proposal would not fundamentally change the rural setting of the village, which would still be apparent on approaches to the village and the CA. Whilst there is some degree of intervisibility from the western part of the CA, the extent of visibility is limited and has been compromised by more recent development. I viewed the site from the viewpoints suggested in the Heritage

² Heritage Report, Sarah Dyer Heritage Consultant, 29 September 2020.

Report, but it was apparent that the proposal would be a logical extension to the built form of the village rather than harming its rural context. I am mindful of the effect of cumulative change on the setting of the CA. But even when combined with previous linear development, the proposal would not sever the links between the CA and its setting, particularly in respect of the factors that contribute to the CA's significance. Even allowing for differences in site levels and the topography of the area, development on the appeal site would not be unduly prominent or obtrusive, subject to appropriate consideration of this issue at the reserved matters stage.

24. During the course of the previous appeal, the Council accepted that that proposal would cause no harm to the significance of the CA. The Inspector concluded that she had no reason to disagree with that assessment. The appeal before me is for a significantly smaller scheme than the previous appeal proposal. Whilst reference has been made to differing layouts of the proposals, both schemes were submitted in outline and the layouts are only indicative. The Council considers that the current appeal proposal would fail to preserve the setting of the CA. This is also reflected in comments from the Council's Building Conservation Officer as well as the Heritage Report. However, for the reasons set out previously, I disagree with the conclusion that the Council has reached on this issue in respect of the appeal before me, as well as the comments raised.
25. I conclude that the proposal would preserve the significance of the CA. The proposal would therefore not conflict with policy WTC5 of the Local Plan in respect of the effect on the CA. The proposal would also not conflict with the Framework with regards to conserving the historic environment.
26. The proposal would also not conflict with the design and development principles of policy 1 of the emerging Neighbourhood Plan regarding heritage assets and their setting. However, for reasons stated previously I give that policy limited weight and this is not a determinative consideration.

Other Matters

27. I have had regard to the issues raised in comments made in respect of this appeal. Reference has been made to the capacity of services in the area, such as schools and doctor's surgeries. However, the increase in population generated by the proposal would be limited and there is no substantive evidence that existing services and infrastructure could not absorb the increase in demand.
28. With regards to highways considerations, it has not been demonstrated that access to the site would be unacceptable regarding highways safety, even allowing for differences in site levels. Furthermore, the level of traffic movements of a development of this scale would be of a degree that would not have a material negative impact on the highway network. I also note that the Council's Highways Development Management officer has not objected to the proposal subject to conditions. Matters of flooding and drainage can also be addressed by conditions and I note that consultees such as the Lead Local Flood Authority and Northumbrian Water have not objected to the principle of the proposal.
29. The loss of agricultural land would be of a very limited extent and as such this does not weigh against the proposal. The development may affect existing

- wildlife habitats such as the hedge along the boundary, however this impact can be controlled by conditions, as can requiring mitigation measures including the creation of new habitats and nesting provision.
30. The nature of the proposal and the arrangement of the site is such that the effect on the living conditions of nearby residents, such as privacy, can be addressed at the reserved matters stage. Noise and disturbance during the construction period would be for a limited period of time and can be appropriately controlled through conditions. The proposal would also not be of a scale or nature which would lead to unacceptable effects on noise, disturbance or other pollution once the site is brought into use.
31. A number of comments have referred to the potential for this proposal to lead to further development. However, future proposals would be assessed on their own merits and I do not consider that my allowing this appeal would fetter the Council's consideration of future planning proposals.
32. The Parish Council has taken a proactive approach towards planning for their community as demonstrated by the emerging Neighbourhood Plan. However, whilst I have only given limited weight to this Plan due to its stage of preparation, this does not undermine the weight to be given to the Neighbourhood Plan once it is made, and my decision should not discourage the Parish Council from progressing its Plan.
33. The proposal would have relatively convenient access to services within the nearby village of Felton. Whilst residents of the proposal would most likely travel to access employment, the area has a bus service which would reduce the reliance on the private car. The number of dwellings proposed would not be of a degree that would unbalance the community of this settlement. On that basis, I consider that the proposal is in a sustainable location for this scale of residential development.

Planning Balance

34. The Council's identified net affordable housing need is for 17% provision, which equates to 2 affordable dwellings as part of the proposal. The appellant submits that the proposal would include the provision of 22% of affordable housing which is above the Council's requirement; although as this also equates to 2 affordable dwellings then the proposed provision meets no more than the Council's requirement. The Council Officer's delegated report expresses some concern about the housing and tenure mix in respect of the needs of the area. However, this is not elaborated further in the Council's Statement of Case and there is no substantive evidence that this cannot be addressed as part of the Affordable Housing Scheme to be submitted under the Planning Obligation.
35. Taken by itself the contribution to the supply of affordable housing in this area would be a significant benefit of the proposal. However, the provision of affordable housing is only part of a wider scheme and there is no substantive evidence that the proposed market housing is required to bring forward the affordable housing. On that basis, and within the context of the identified conflict with development plan policy, the contribution to affordable housing should carry only moderate weight in favour of the scheme as a whole.

36. The proposal would contribute to the supply of housing in this area, although given the Council's healthy housing land supply this should carry only very limited weight in favour of the proposal.
37. I have found that the proposal would not harm the character and appearance of the area or the setting of the CA. However, a lack of harm is not a benefit and these matters are essentially a neutral factor.
38. The moderate weight I have given to the conflict with planning policy therefore has to be balanced against the very limited to moderate weight given to the benefits in respect of housing provision.
39. When set out in those terms, this is a finely balanced case in respect of the identified harm and the benefits that would arise from the proposal. However, I have found that the policies which are most important for determining the appeal are out of date and that there are no policies of the Framework that protect areas or assets of particular importance which provide a clear reason for refusal. The 'tilted balance' of paragraph 11(d) of the Framework is therefore engaged. As the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole, paragraph 11(d) of the Framework requires that planning permission should be granted.

Planning Obligation and Conditions

40. A signed and completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in respect of affordable housing has been submitted in support of the proposal. This Obligation meets the tests set out in paragraph 56 of the Framework, and I have proceeded to determine this appeal giving due consideration to the Obligation.
41. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity, accuracy and conciseness.
42. I have attached conditions relating to the submission of reserved matters and the associated time limits.
43. I have also included a condition specifying the relevant site plan and evidence in the interests of certainty. I have not referred to the Indicative Drainage Plan due to its indicative nature and because this matter is controlled by other conditions.
44. A condition regarding site levels is appropriate in the interests of highway safety and character and appearance. A condition in respect of sustainable access is appropriate in the interests of promoting sustainable transport.
45. Conditions regarding cycle parking, refuse storage, a construction method statement, and highway management and construction are appropriate in the interests of highway safety and the living conditions of residents. A Construction Environment Management Plan, a Biodiversity Enhancement Plan, details of lighting regarding bats, and the timing of works affecting trees or vegetation are required in the interests of conserving and enhancing the natural environment.

46. Conditions regarding foul and surface water drainage and the provision of sustainable drainage are required to ensure that the site is properly drained and to address flood risk. Conditions in respect of contamination and ground gases are appropriate in the interests of public safety. A condition in respect of highway noise is appropriate in the interests of the living conditions of future residents.
47. Conditions in respect of boundary treatment, car parking, vehicular access and general external lighting are not required as these are more appropriately addressed by the reserved matters.

Conclusion

48. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development 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:
 - (1) Location plan drawing no. 3993-10-00
 - (2) 2541 Flood Risk Assessment and Drainage Strategy - Seventh Issue 17/12/19
- 5) Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.
- 6) The development shall not be occupied until details of the proposed highway works to provide improved sustainable access including footway improvements, pedestrian refuges, improvement to bus stops and crossings points in accordance with the Equality Act 2010 and street lighting and associated works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.
- 7) The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) details of temporary traffic management measures, temporary access, routes and vehicles;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding;

- vi) vehicle cleaning facilities;
- vii) measures to control the emission of dust and dirt during construction, including a Dust Management Plan;
- viii) delivery, demolition and construction working hours;
- ix) floodlighting;
- x) details of the disposal of surface water from the development through the construction phase.

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

- 9) No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- 10) The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.
- 11) No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.
- 12) A Construction Environmental Management Plan for the site shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The Plan will include;
 - i) Tree Protection Plan in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction. Recommendations*. Existing trees and hedgerows on the site will be retained as at present (except for the new access);
 - ii) Protection measures for protected species which may be found on site, including suitable ramps or fencing around any pits or trenches;
 - iii) Site drainage plans for the construction phase, illustrating any nearby surface water drains / watercourses (and the site's proximity to the River Coquet and Coquet Valley Woodlands SSSI); vehicle parking areas; the proposed location of loading and unloading of plant and materials and plant and materials storage areas;
 - iv) Pollution prevention methodology e.g. provision of drain covers, timing of works taking account of weather conditions to avoid the creation of sediment contaminated runoff to surface water drains and/or water courses; provisions for the storage and treatment of runoff; on-site dust suppression and litter/waste management;

- v) Facilities for the storage and removal of any contaminated waste / waste soils;
- vi) Spill kits and spill response procedures (e.g. in the event of fuel/engine oil leaks);
- vii) Details of monitoring and response procedures in the event of a pollution incident.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

- 13) A Biodiversity Enhancement Plan for the site shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. The Plan shall be fully implemented as approved prior to the occupation of the development or in accordance with a timescale agreed in writing by the Local Planning Authority. The Plan shall include the following elements:
 - i) Landscape and planting plan, including for the SUDS, to include locally native species and plants which provide nectar, nuts and berries.
 - ii) Details of 9 in-built bat or bird roosting or nesting features.
- 14) No development shall take place until details of how any new lighting on the site will be designed in accordance with 'Bats and Lighting in the UK', Bats and the Built Environment Series, Institute of Lighting Professionals/Bat Conservation Trust Version 3, 2018 have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented and maintained in accordance with the agreed details.
- 15) No demolition, development, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.
- 16) Prior to commencement of development a scheme to dispose of foul and surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall:
 - i) Restrict discharge from the development to 4.1l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the Local Planning Authority.
 - ii) Adhere to the principles as set out in the drainage strategy from Shadbolt Consulting reference 2541C - 514 Rev G Indicative Drainage Plan
 - iii) Provide attenuation on site for the 1 in 100 year plus climate change event.
 - iv) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

Thereafter the development shall take place in accordance with the approved details.

- 17) Prior to first occupation of the development, details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:
 - i) As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
 - ii) Construction details (component drawings, materials, vegetation);
 - iii) Health and Safety file;
 - iv) Details of ownership organisation/adoption details.
- 19) The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:
 - i) A desktop study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
 - ii) If identified as being required following the completion of the desktop study, 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, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
 - iii) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be

- made from this scheme without express written agreement of the Local Planning Authority.
- iv) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. 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 to demonstrate that the required remediation has been fully met.
- 20) If during development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.
- 21) No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology, which has been approved in writing by the Local Planning Authority.
- 22) An assessment of noise emanating from road traffic upon the proposed development shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of any development on site. No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise levels of 35 dB LAeq during the day and 30 dB LAeq and 45 dB LAMax during the night can be achieved in habitable rooms. Habitable rooms on the façade facing away from the C111 shall have windows which are not restricted from opening. The scheme shall include internal room layouts to show that the main habitable rooms* shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall be implemented in full before the occupation of the dwelling it relates to and retained in perpetuity. (*Main habitable rooms shall be taken to mean living rooms (07:00 - 23:00) and the master bedrooms (23:00 - 07:00)).

End of Schedule