
Appeal Decision

Hearing held on 21 June 2022

Site visit made on 21 June 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/Y2430/W/22/3296156

Land adjacent to Crompton Road, Asfordby Hill

- 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 Talavera Estates Ltd against the decision of Melton Borough Council.
 - The application Ref 20/00470/OUT, dated 6 April 2020, was refused by notice dated 12 October 2021.
 - The development proposed is for the erection of up to 90 dwellings with all matters reserved other than means of access.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of up to 90 dwellings with all matters reserved other than means of access at land adjacent to Crompton Road, Asfordby Hill in accordance with the terms of the application, 20/00470/OUT, dated 6 April 2020, subject to the conditions set out in the schedule to this decision notice.

Applications for costs

2. An application for costs was made by Talavera Estates Ltd against Melton Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application the subject of this appeal was made in outline form with all matters reserved apart from access. During the course of the planning application the number of houses was changed from 100 to up to 90. The revised description is reflected in the banner heading. The submitted layout is for indicative purposes only. I have treated the appeal on the same basis.
4. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. With agreement, a signed and sealed S106 Agreement was submitted after the Hearing. This is a material consideration in the determination of the appeal, and I return to it later in my decision.

Main Issues

6. The main issues are:

- the effect of the proposal on the setting of heritage assets (Kirby Bellars Priory Scheduled Monument, Church of St Peter listed building Grade I and Kirby Bellars Medieval Moat, Fishponds and 17th Century Garden Scheduled Monument); and
- The effect of the proposal on the landscape character and appearance of the area including the Area of Separation.

Reasons

Heritage assets

Significance

7. Kirby Bellars Priory is a Scheduled Monument comprising the earthworks of an Augustinian Priory including a moated site and boundary banks and ditches. It is an unusual example of a moated religious house. Within medieval society it would have been a focus for worship, learning and charity as well as having wealth and political influence. It is well preserved with visible earthworks and potential for further below ground remains.
8. The Garden, Moat and five Fishponds at Kirby Bellars are also a Scheduled Monument comprising the remains of a medieval moat and fishponds later incorporated into a seventeenth century formal garden being a rare example of a medieval moat incorporated into a later garden. It reflects the distribution of wealth and status in the medieval landscape and is also well preserved with visible earthworks and potential for extensive below ground remains
9. The Church of St Peter at Kirby Bellars is a Grade I listed building with thirteenth century origins and later additions with restoration in the eighteenth and nineteenth centuries. It is constructed from coursed and squared ironstone and brick, with limestone ashlar dressings and copper, lead and slate roofs. Much of its medieval fabric is retained.
10. Given the above, as Scheduled Monuments and a grade I listed building the heritage assets have great architectural and historic significance particularly given their level of preservation. Both individually and as a group they contribute to the knowledge and understanding of the medieval, rural landscape.
11. The scheduled monuments sit within a rural landscape which provides their setting giving an understanding of their positioning in medieval society in relation to the river and the valley floor and each other. The landscape has altered since medieval times particularly through changes brought about by the Enclosure Acts altering field patterns, and the introduction of modern infrastructure and settlements. However, it is not degraded to such an extent that it provides no contribution to the understanding of the monuments. The surrounding area is still rural in nature and contributes moderately to an understanding of the monuments and their place in the historic landscape.
12. The Church has an immediate setting of the churchyard which provides quiet, peaceful and wooded surroundings in which the building itself is immediately experienced. Views of the bulk of the building itself are not particularly visible in the surrounding landscape, but it is experienced in the wider context through views of its tower. This is visible from a number of vantage points in the village

and beyond forming a landmark in the wider landscape within which it is experienced.

13. The appeal site sits between about 645 and 1000 metres from the heritage assets to the north-east and is elevated above them on the settlement edge of Asfordby Hill. There is no known historic or archaeological connection between the appeal site and the heritage assets. However, it sits within, and forms part of the rural landscape that provides the setting for the heritage assets and there is a degree of intervisibility between them and the appeal site allowing an appreciation of that rural landscape. The church spire is very visible from the appeal site. Consequently, the appeal site contributes to the significance of the heritage assets in a moderate way.

Effects

14. There would be no harm to the fabric of the listed building, or the extent of the scheduled monuments and the immediate settings of the heritage assets would be retained. The parties agree that any effect would derive from changes to their wider settings, and it is further agreed that any harm would be less than substantial in nature and that paragraph 202 of the Framework would be engaged whereby harm is to be weighed against public benefits.
15. The proposal for the development of up to 90 dwellings on the appeal site would change the character of the appeal site, taking it from part of the rural landscape to being part of the settlement of Asfordby Hill. Some of the countryside within which the heritage assets are experienced would be lost which would be harmful. In addition, the context of the views of the Church spire would alter from across open land to views through a housing estate, and this would cause some harm.
16. However, that harm would be tempered by the large extent of remaining agricultural landscape from which the heritage assets are visible, the view of the development against a backdrop of existing built form and the provision of a substantial landscape buffer on the south-western boundary of the development which would effectively integrate it into the countryside.
17. Historic England in its letter dated 19 November 2020 also reached this view with regard to the original scheme considered on this site by the Council for 100 dwellings. I am satisfied therefore that my findings in relation to up to 90 dwellings would sit within that context and in the terms of the Framework the harm caused would be less than substantial. Furthermore, due to the mitigating circumstances outlined above, I agree with the parties that the harm would be at the lower end of the scale.
18. For the reasons above, I conclude that the proposal would cause some harm to the setting and significance of Kirby Bellars Priory Scheduled Monument, Church of St Peter listed building Grade I and Kirby Bellars Medieval Moat, Fishponds and 17th Century Garden Scheduled Monument. The proposal would therefore conflict with Policies EN13 and C1(A) of the Melton Borough Local Plan 2011-36 Adopted Development Plan Document and Appendices 2018 (the Local Plan). These require that development seeks to avoid harm to the significance of historic sites, buildings or areas including their setting and that the proposal is sympathetic to the setting of Kirby Bellars Scheduled Monument.

Character and appearance

19. The appeal site sits within the Wreak Valley Landscape Character Area (the LCA) as defined by the Melton Borough Landscape and Historic Urban Character Assessment Report 2006. The area is described within the LCA as a gentle lowland river valley landscape with contrasting sinuous river course and regular pattern of small to medium scale pastoral fields with distinct wetland and water areas from former gravel pits and small nucleated villages situated along the rising slopes of the valley edge. I found this to be the case at my site visit with the appeal site located on the edge of Asfordby Hill a small settlement on the slope of the valley edge and below that the valley bottom through which the River Wreake flows. Field patterns are marked by hedgerows and trees within an undulating topography giving a distinctly rural landscape within which the appeal site sits.
20. The Melton and Rushcliffe Landscape Sensitivity Study: Wind energy development 2014 (the 2014 study) recognises that the riparian landscape associated with the river and scheduled monuments around Kirby Bellars as the most susceptible elements to change.
21. The Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study 2015 (the 2015 study) states that the level of landform variation would be vulnerable and, therefore, sensitive to residential development footprints. Topographic variation also renders the ridge top settlement edge prominent, meaning the skyline would be sensitive to further development which could increase this perception. Indeed, the current built form within Asfordby Hill, visible within the valley environs has a very hard edge with minimal landscaping to soften the views of the development from the valley bottom and this is also recognised in the 2014 study. Nevertheless, the appeal site is allocated for development within the Local Plan as two sites with Appendix 1 to the Plan noting that the sites have the opportunity to create an improved 'urban fringe' between the built form of the village and the adjacent open countryside.
22. The scheme would result in the construction of a large housing development of up to 90 dwellings that would extend Asfordby Hill to the south and west into the open countryside. This would cause a significant change to the appearance of the appeal site through the change of use and would result in the direct loss of open countryside that makes a pleasant contribution to the southern part of the settlement.
23. However, the housing would be within the least susceptible area for development according to the 2014 study, and while it would be visible within the skyline, it would be so against the backdrop of existing built form. The photomontages¹ show that due to the topography of the land the proposed housing would not extend above existing development on the skyline. Furthermore, it would be contained within field patterns with the opportunity to reinforce retained hedgerows together with additional tree planting in accordance with the landscape character of the LCA.
24. The proposal is for about 40% more dwellings than envisaged within the allocation for the appeal site. However, the indicative layout shows that these can be provided in a manner that would still allow the provision of a substantial

¹ Photo viewpoints 8, 10 and 14 Landscape and Visual Appraisal Incola Landscape Planning 18 March 2022

landscape buffer even in the south-east corner of the appeal site where housing extends down the slope, although within the same 85 metre contour as existing development to the west. I am also aware that the allocation was not based on a site specific study of the capability of the site to accommodate development, but rather on a generic dwellings per hectare basis. Furthermore, there is no restriction within the Local Plan on the quantum of land that can be developed within the allocation, only the requirement to be sympathetic to the setting of Kirby Bellars Priory and the opportunity to provide an improved settlement edge.

25. While therefore the agreed photomontages² show that the development would be fairly visible in the landscape on construction, once the landscaping has had the opportunity to mature, it would integrate effectively and enhance the distinctive landscape qualities giving a beneficial soft edge to Asfordby Hill reflecting the wider landscape character.
26. The appeal site is visible across the valley side and bottom through a series of public footpaths running both along the river and within the vicinity of Kirby Bellars. The landscaping, including high hedges, and undulating topography in the area means that in some places views from the footpaths to the appeal site are obscured. In others the views range from glimpses to full and unobstructed across the valley. Where views are available, walkers will currently observe the harsh settlement edge of Asfordby Hill with housing highly visible. The proposed development, even at the higher than envisaged density, would have a beneficial effect by providing a much softer edge which would effectively integrate the proposal to reflect the wider landscape character. In addition, new views would be created from within the development towards the valley bottom and the heritage assets.
27. The provision of housing close to existing residential properties would have some adverse impact in views from these properties given their existing outlook over open countryside. However, it would be for the Council in the first instance, when considering any application for reserved matters, to ensure that the layout would not be materially harmful to the outlook currently enjoyed by occupiers of those houses. Based on my observations on site, and the indicative plan before me, I am satisfied that although residents would lose their view over the fields, up to 90 houses could be accommodated without that loss being so severe as to equate to material harm to their living conditions.
28. Policy EN4 of the Local Plan states that development within Areas of Separation (AoS) should prevent the coalescence of settlements, retain highly tranquil parts of the landscape between settlements and safeguard the individual character of settlements. The Council confirmed at the hearing that it was the latter two criteria where its concerns lay.
29. There is no defined boundary to the AoS which exists between Kirby Bellars and Asfordby Hill. I saw at my site visit that the most tranquil parts of the AoS are around the valley bottom, the River Wreake and Kirby Bellars. Here there is quietness and relative solitude which is enhanced by the green setting. The appeal site, while by no means noisy, does experience more activity associated with the adjacent residential area. Therefore, whether or not the appeal site is

² Photo viewpoints 8, 10 and 14 Landscape and Visual Appraisal Incola Landscape Planning 18 March 2022

within the AoS, the highly tranquil parts of the landscape would be retained by the proposal through its location away from the valley bottom.

30. As I have already found, although the proposal would be of a higher volume and density on an elevated site, it would nonetheless be fully integrated with the character of the settlement and the surrounding area.
31. I appreciate that the layout plan and photomontages are indicative only. However, I am satisfied that they demonstrate one way of achieving up to 90 dwellings on the appeal site that would be sensitive to the landscape setting of Asfordby Hill, and satisfactorily protect the AoS.
32. For the reasons above, I conclude that there would be no material harm to the landscape character and appearance of the area including the Area of Separation. There would therefore be no conflict with Policies EN1, EN4 and EN6 of the Local Plan. These require that development does not harm open areas, contribute positively to the individual character of a settlement, and new development is sensitive to landscape setting and enhances distinctive qualities as well as respecting the Area of Separation.

Other Matters

33. A number of residents have raised concerns regarding their living conditions, particularly privacy and the layout of highways near their properties as well as the appearance of the proposed dwellings. Nos 20 and 35 Stanton Road and No 27 Crompton Road present end elevations to the appeal site (noting the extension of No 20 closer to the appeal site than shown on the site location plan). Even accounting for the changing land levels, there would be sufficient distance from the proposed houses to the existing houses and gardens to ensure that there would be no unacceptable loss of privacy or outlook. Other properties on Crompton Road share a rear boundary with the appeal site where houses would be sited close to the boundary, however, the existing lengthy gardens means there would be no material harm caused. Similarly, the layout would allow for adequate separation distances from properties on Glebe Road. The Council in its Committee report considered that the number of properties could be delivered without causing harm to the living conditions of existing residents. Based on the evidence before me I share that view. In any case, it would be for the Council in the first instance to assess any layout and the appearance of the dwellings, including the position of windows, as part of a reserved matters submission.
34. A number of issues had been raised regarding the impact of the proposals on the local highway network including the use of Crompton Road and Glebe Road, the junction capacity of Crompton Road and the A6006 and the effect of construction traffic accessing the appeal site. The appellant prepared detailed Transport Assessments which included capacity assessments of the Crompton Road/ Melton Road junction and the A6006 Welby Road/ Melton Road Roundabout. The Highway Authority reviewed and verified the modelling files submitted and both junctions would operate within capacity both with and without the proposed development.
35. Furthermore, a link capacity assessment has been submitted for Crompton Road and Glebe Road, both of which would serve the development. Glebe Road is narrower than Crompton Road which necessitates cars being parked on the footway to allow cars to comfortably pass. The assessments demonstrate that

even with a significant number of cars parked on the road there would still be sufficient capacity for the roads to satisfactorily serve the development. I accept that local knowledge is important but, in the absence of any substantiated evidence to dispute that provided by the appellant, then I am satisfied that the proposal would not be harmful to highway safety. Furthermore, the Highway Authority raises no objection to the proposals based on the submitted assessments. The effect of construction traffic could be appropriately managed through the imposition of suitably worded conditions.

36. The Lead Local Flood Authority confirmed when considering the planning application that it has no objections to the proposal. Surface water issues can be adequately dealt with by the imposition of appropriately worded conditions. There is no substantive evidence before me, in order for me to reach a different conclusion.
37. Various comments have been received regarding the lack of infrastructure, in particular relating the health and education facilities. However, contributions to both are included within the S106 agreement as discussed below.

S106 Agreement

38. The financial contribution of £82.66 per dwelling in the S106 agreement towards the cost of increasing capacity at the Melton Recycling and Household Waste site is necessary to cater for the increased number of households that would generate additional household waste.
39. The growth in local population caused by the development would increase the demand for local health and library facilities. The financial contribution to be worked out using a calculation in the S106 agreement based on cost per dwelling is therefore necessary to provide additional capacity at Latham House Medical Practice and Melton Library respectively.
40. Contributions towards sustainable travel, including travel packs and bus passes and monitoring of the travel plan are necessary to reduce the dependence of future occupiers on the car as their means of travel.
41. The requirement for the provision of 25% of the dwellings on the development as affordable, in accordance with an affordable housing scheme, would comply with Policy C4 of the Local Plan.
42. Policy C9 of the Local Plan states that all developments should make a positive contribution to good quality, accessible green spaces, public realm, sports and recreational facilities close to where people live and work, to encourage greater participation in play, sport, walking and cycling and to maximise opportunities for social interaction. As there would be an increased population due to the proposal, I am satisfied that the proposed development would generate a requirement for open space which would need to be appropriately maintained for future users.
43. The statement from the education authority shows that existing education provision for secondary education, post 16 education and special educational needs and disabilities education are operating at capacity, and the proposed development would increase demand for places. The S106 includes a sum of £5,422.07 towards secondary education, £290.53 towards post 16 education and £454.13 for special education provision at local facilities. I am therefore

satisfied that the payment of the required contributions would adequately mitigate the impact of the proposal on the education infrastructure.

44. An obligation regarding the payment of a contribution towards the monitoring of the provisions of the individual obligations is in accordance with the guidance in the PPG³. I am satisfied based on the evidence before me the costs are proportionate and reasonable and reflect the actual cost of monitoring.
45. Therefore, based on the evidence before me, these obligations are necessary, and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the Framework.

Planning Balance and Conclusion

46. The development would provide up to 90 dwellings on an allocated site within the Local Plan albeit the allocation is for 87 dwellings and 31 of that allocation have already been or are in the process of being constructed. Hence there would be 34 dwellings over and above the allocation. The allocation would form part of the Council's five year housing land supply and, while the Council can currently demonstrate a healthy five year housing supply figure, the provision of housing, and that over and above the allocation, would contribute to the Government's aim of significantly boosting the supply of homes in a reasonably accessible location. I therefore give the proposed housing significant weight.
47. The provision of 25% affordable housing, secured by the S106 agreement, would be a benefit of significant weight given the shortfall in affordable housing being currently experienced within the district.
48. There would be economic benefits through the creation of construction jobs and the increased local spend within the economy. I give these modest weight based on the scale of the development.
49. The provision of new open space within the development which could be used by existing residents and would also provide views across the valley towards the heritage assets would be a benefit attracting moderate weight. While the provision of an enhanced settlement edge would be beneficial in landscape terms and an improvement on the existing situation, this would be part of the proper planning process to ensure that the proposal integrated satisfactorily within the existing rural landscape and would therefore be neutral in the planning balance.
50. The intention of the development is to provide biodiversity net gain through the provision of open space, planting and wildlife corridors. As this is yet to be quantified, given the outline nature of the proposal I only give the benefit minor weight.
51. I have found that the proposal would cause less than substantial harm to designated heritage assets. While I give this harm considerable importance and weight in the planning balance of this appeal, I am satisfied that in this instance the public benefits would outweigh the harm caused to the heritage assets whether balanced on an individual level or collectively.
52. Moving on to the overall planning balance, I have identified that there would be conflict with the development plan as a whole, inasmuch as there would be less

³ 036 Reference ID: 23b-036-20190901

than substantial harm to the significance of the heritage assets. In such circumstances permission should be refused unless material considerations indicate otherwise. In this case the benefits, that I have outlined above, are material considerations, the totality of which lead me to the view that they are sufficient, in this instance, to outweigh the harm that I have identified.

53. Therefore, for the reasons above and having regard to all other matters raised, I conclude on balance, that the appeal should be allowed.

Conditions

54. Following the discussion at the Hearing an agreed amended set of conditions was submitted by the parties. I have had regard to the amended list and considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents.
55. Standard conditions relating to outline permissions and the submission of reserved matters together with a condition requiring development to be in accordance with the approved plans, are reasonable to give certainty.
56. A condition regarding finished floor levels is required to protect the character and appearance of the area. Details are necessary, prior to work commencing on site, to take account of existing ground levels. A condition regarding the detailed housing mix is necessary to meet the requirements of Policy C2 of the Local Plan and provide for a range of housing needs.
57. Details of measures to protect trees prior to work commencing on site are required to ensure that trees are not harmed by development work to protect the character and appearance of the area.
58. A condition requiring a construction traffic management plan to be submitted prior to work commencing on site is necessary to ensure highway safety measures will be in place prior to the start of work. Details of a travel plan are required to promote the use of sustainable modes of transport. Conditions regarding biodiversity and ecology are necessary to protect protected species and ensure the development delivers biodiversity net gain.
59. Conditions relating to drainage are necessary to ensure the appropriate disposal of surface water from the site and prevent flooding elsewhere. Conditions regarding contamination are required to ensure that the land is safe for the end user. Details are required to be submitted prior to work commencing on site to ensure that full details of any contamination are available and are satisfactorily dealt with.
60. A condition requiring the submission of a Construction Environmental Management Plan prior to work commencing is necessary to protect the living conditions of surrounding residents and to ensure that the approved work practices are in place prior to the start of work on site.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Christian Hawley of Counsel

No 5 Chambers instructed by
Tom Pickwell, solicitor, Melton
Borough Council

Andrew Cunningham

Senior Planning Development
Officer, Melton Borough Council

FOR THE APPELLANT

Paul Hunt

Solicitor, Howse Percival

Sam Silcocks

Director, Harris Lamb Property
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Robert Hughes

Director, Incola Landscape
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Dan Slatcher

Heritage Consultant, The
Jessop Consultancy

Martin Andrews

Director, Martin Andrews
Consulting Ltd

Interested Parties

Samantha Keene

Local resident

Paul White

Local resident

Emily Rhodes

Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Hard copy of Inspectors plan for site visit
- 2 Hard copy of LIVA for Inspector
- 3 Technical Guidance Note 02/21 Assessing landscape value outside national designations Landscape Institute
- 4 Plan ref: RDC 1 140-105

DOCUMENTS SUBMITTED AFTER THE HEARING

- A Agreed list of revised conditions
- B Signed and dated S106 Agreement
- C Council's response to appellant's costs application
- D Appellant's final comments re Council's response to costs application

SCHEDULE OF CONDITIONS

- 1) Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the 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.
- 3) The reserved matters as required by condition 2 above, shall provide for a mix of types and sizes of dwellings that will meet the area's local market housing need.
- 4) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

RDC1140-102A Location Plan received by the Local Planning Authority on 29 January 2021

RDC 1140 - 105 Rev B Indicative Masterplan (with respect to access only) received by the Local Planning Authority on 29th January 2021
- 5) No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 6) No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition, all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
- 7) No development shall commence on the site until such time as a construction traffic management plan including, as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 8) No part of the development hereby permitted shall be first occupied until an amended Full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

- 9) The following ecological and biodiversity considerations must be submitted, in support of the first reserved matters application, to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details and timescales:
- i) an updated badger survey;
 - ii) a report detailing an inspection of the existing building on site for bats;
 - iii) detailed Bat Mitigation Plan including specific timings of works, buffer distances, lighting recommendations, ecological supervision and monitoring surveys;
 - iv) biodiversity net-gain calculation and proposal;
 - v) an appropriate buffer for the existing bat hibernation roost detailed within the layout;
 - vi) protection of retained existing hedges through provisions of 5-10m buffer zones of semi-natural vegetation along all boundary hedgerows;
 - vii) compliance with the mitigation measures contained within Sections 4.2.3 to 4.2.7 (inclusive) of the Bat Hibernation Survey (Harris Lamb, 11 January 2021) received by the Local Planning Authority on 29th January 2021; and
 - viii) timescales for implementation of approved details.
- 10) No development approved by this planning permission shall take place until such time as details in relation to:
- i) surface water drainage scheme
 - ii) the management of surface water on site during construction of the development
 - iii) the long-term maintenance of the surface water drainage system within the development
 - iv) infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element
- have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed, completed and maintained in accordance with the approved details.
- 11) No development shall take place until a phase 2 site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority and the investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s)

shall be provided to and approved in writing by the Local Planning Authority.

- 12) No development approved by this planning permission shall be commenced until a remediation method statement, detailing the remediation requirements to protect human health and the environment, has been submitted to and approved in writing by the Local Planning Authority. The remediation method statement shall use the information obtained from the site investigation and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The remediation method statement must be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
- 13) Upon completion of the remediation detailed in the Method Statement approved by condition 12, a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved in writing by the Local Planning Authority.
- 14) In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to and approved in writing by the Local Planning Authority. Only the soil approved in writing by the Local Planning Authority shall be used on site.
- 15) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The Remediation Method Statement shall be carried out in full before the development is resumed or continued.
- 16) No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - i) Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - ii) Arrangements for liaison with the Council's Environmental Health Team

- iii) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - 1. 07:00 Hours and 19:00 Hours on Mondays to Fridays and
 - 2. 08:00 and 13:00 Hours on Saturdays and
 - 3. at no time on Sundays and Bank Holidays
- iv) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- v) Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise and vibration disturbance from construction works.
- vi) Procedures for emergency deviation of the agreed working hours.
- vii) Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- viii) Implementation programme.

The construction of the development must take place in accordance with the approved details and in accordance with the implementation programme.